

# Statewide Action Plan for Serving Self- Represented Litigants

---

DRAFT FOR COMMENT



JUDICIAL COUNCIL  
OF CALIFORNIA

---

TASK FORCE ON  
SELF-REPRESENTED LITIGANTS



## Judicial Council of California

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205

HON. RONALD M. GEORGE  
Chief Justice of California  
Chair of the Judicial Council

WILLIAM C. VICKREY  
Administrative Director of the Courts

### TASK FORCE ON SELF-REPRESENTED LITIGANTS

HON. KATHLEEN E. O'LEARY  
Chair

Hon. Rosalyn M. Chapman  
Mr. Neal Dudovitz  
Hon. Jeremy D. Fogel  
Mr. Andrew J. Guilford  
Mr. Pastor Herrera, Jr.  
Ms. Marilyn James  
Mr. Albert Johnson  
Hon. Suzanne N. Kingsbury  
Mr. Lee Morhar  
Mr. Robert K. Persons  
Ms. Pat Pfremmer  
Ms. Tina Rasnow  
Ms. Rosemary Remacle  
Mr. Mark Robinson  
Ms. Sharol H. Strickland  
Ms. Peggy Thompson  
Mr. Dale Wells  
Hon. Erica R. Yew  
Hon. Laurie D. Zelon

TASK FORCE STAFF  
Ms. Bonnie Rose Hough  
Supervising Attorney  
Tel 415-865-7668  
Fax 415-865-7217

DIANE NUNN  
Director, Center for Families,  
Children & the Courts

**TO:** Interested Persons and Organizations

**FROM:** Task Force on Self-Represented Litigants  
Justice Kathleen E. O'Leary, Chair  
Bonnie Rose Hough, Supervising Attorney

**DATE:** September 24, 2003

**SUBJECT:** Invitation to Comment on the draft *Statewide Action Plan for Serving Self-Represented Litigants*

**DEADLINE:** October 24, 2003

**CONTACT FOR NAME:** Kevin Chew  
**FURTHER TEL:** 415-865-7533  
**INFORMATION: FAX:** 415-865-7217  
**EMAIL:** Kevin.Chew@jud.ca.gov

Enclosed is the draft *Statewide Action Plan for Serving Self-Represented Litigants*.

### This plan is for comment only

The report has not been approved by the Judicial Council, nor is intended to represent the views of the Judicial Council. This plan is being circulated for comment purposes only. Please distribute the plan to persons in your court, county or community interested in commenting. Additional copies of this plan are available at <http://www.courtinfo.ca.gov/programs/cfcc/> or by contacting Kevin Chew at the address given above.

### About the plan

The draft *Statewide Action Plan for Serving Self-Represented Litigants* contains findings and recommendations of the Judicial Council's Task Force on Self-Represented Litigants, a 20-member body formed in May 2001. The task force was charged with finalizing development of a statewide action plan for serving self-represented litigants as well as to make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.

In this draft report, the task force has attempted to present a comprehensive statewide plan that effectively addresses the way in which courts are serving self-represented litigants. The task force has analyzed the self-represented litigants action plans submitted by the trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating systems that work to both improve management of cases involving self-represented litigants and to improve access to justice for the public.

#### Importance of the comment process

We encourage you to review the plan carefully. The task force welcomes comments as to its eight recommendations and corresponding strategies as well as all other issues under consideration. The comment process is vitally important to the work of the task force.

#### Submitting comments

The Task Force on Self-Represented Litigants will review all comments. Comments received will become part of the public record.

When reviewing the proposals and preparing your comments:

- Write your comments for each proposal on the Comment Form, directly on the proposal, or in a letter.
- Include the Comment Form for each proposal on which you are commenting (check either the "agree," "agree only if modified," or "do not agree" box).
- Specify the recommendation or report section numbers that correspond to your remarks.
- Letters and comments may also be e-mailed to: Kevin.Chew@jud.ca.gov .

For those with access to the World Wide Web, comments may be submitted via the judicial branch Web site:

[www.courtinfo.ca.gov/invitations tocomment/spcommentform.htm](http://www.courtinfo.ca.gov/invitations tocomment/spcommentform.htm)

The Task Force on Self-Represented Litigants encourages comments on its report and appreciates your participation in this process.

# Statewide Action Plan for Serving Self-Represented Litigants

---

DRAFT FOR COMMENT



JUDICIAL COUNCIL  
OF CALIFORNIA

---

TASK FORCE ON  
SELF-REPRESENTED LITIGANTS

## **TASK FORCE ON SELF-REPRESENTED LITIGANTS**

### **HON. KATHLEEN E. O'LEARY, CHAIR**

Associate Justice, Court of Appeal 4<sup>th</sup> District

#### **HON. ROSALYN M. CHAPMAN**

Federal Court Magistrate, United States District  
Court, Central Division of California

#### **MR. NEAL DUDOVITZ**

Executive Director, Neighborhood Legal  
Services of Los Angeles County.

#### **HON. JEREMY D. FOGEL**

United States District Court,  
Northern District of California

#### **MR. ANDREW J. GUILFORD**

Partner, Sheppard, Mullin,  
Richter & Hampton, Costa Mesa

#### **MR. PASTOR HERRERA, JR.**

Director, Los Angeles Department of  
Consumer Affairs

#### **MS. MARILYN K. JAMES**

Chief Evaluation and Planning Officer, Superior  
Court of California, County of San Diego

#### **MR. ALBERT JOHNSON**

Small Claims Advisor, Riverside County

#### **HON. SUZANNE N. KINGSBURY**

Presiding Judge, Superior Court of California,  
County of El Dorado

#### **HON. ALICE A. LYTLE**

(Ret.) Superior Court of California,  
County of Sacramento

#### **MR. LEE MORHAR**

Chief Counsel, California Department of Child  
Support Services

#### **MR. ROBERT PERSONS**

Partner, Persons and Miller, Chico

#### **MS. PAT PFREMMER**

Law Librarian, Santa Cruz County

#### **MS. TINA RASNOW**

Senior Attorney, Self-Help Legal Access Center,  
Superior Court of California, County of Ventura

#### **MS. ROSEMARY REMACLE**

Partner, Sevin Rosen Funds

#### **MR. MARK ROBINSON**

Partner, Robinson, Calcagnie & Robinson

#### **MS. SHAROL STRICKLAND**

Court Executive Officer, Superior Court of  
California, County of Butte

#### **MS. PEGGY THOMPSON**

Court Executive Officer, Superior Court of  
California, County of San Mateo

#### **MR. DALE WELLS**

Family Law Facilitator, Superior Court of  
California, County of Riverside

#### **HON. ERICA R. YEW**

Superior Court of California,  
County of Santa Clara

#### **HON. LAURIE D. ZELON**

Superior Court of California,  
County of Los Angeles

### **Judicial Council Liaison**

#### **HON. BARBARA ANN ZÚÑIGA**

Superior Court of California,  
County of Contra Costa

### **State Bar of California Liaison**

#### **MS. MARY VIVIANO**

Director, Legal Services Outreach  
Staff to California Commission on Access to Justice

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

**CHIEF JUSTICE RONALD M. GEORGE  
Chair of the Judicial Council**

**WILLIAM C. VICKREY  
Administrative Director of the Courts**

**MICHAEL BERGEISEN  
General Counsel/Deputy Director**

**CENTER FOR FAMILIES, CHILDREN & THE COURTS**

**Project Staff:**

**DIANE NUNN  
Director**

**BONNIE ROSE HOUGH  
Supervising Attorney**

**DEBORAH CHASE  
Senior Attorney**

**HARRY JACOBS  
Attorney**

**TRACY KENNY  
Legislative Advocate**

**KEVIN CHEW  
Administrative Coordinator**



# **TASK FORCE ON SELF-REPRESENTED LITIGANTS STATEWIDE ACTION PLAN**

## **Table of Contents**

<b>Executive Summary.....</b>	<b>1</b>
<b>Task Force Report.....</b>	<b>8</b>
<b>Action Plan Chart.....</b>	<b>28</b>
<b>Appendix 1.....</b>	<b>39</b>
<b>Task Force Members</b>	
<b>Appendix 2.....</b>	<b>41</b>
<b>Description of California Courts' Programs for Self-Represented Litigants</b>	
<b>Appendix 3.....</b>	<b>72</b>
<b>A Report and Analysis of Action Plans Throughout California</b>	
<b>Appendix 4.....</b>	<b>127</b>
<b>Levels of Legal Assistance</b>	



## **EXECUTIVE SUMMARY**

The Judicial Council's Task Force on Self-Represented Litigants was named by Chief Justice Ronald M. George in May 2001. In response to the growing number of self-represented litigants (also known as pro pers), the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of self-represented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly for those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented parties.

The task force is chaired by Associate Justice Kathleen E. O'Leary, Court of Appeal, 4th District. Its members are a diverse group of individuals from throughout the state representing the judiciary, the State Bar of California, trial court administration, court-based self-help center attorneys, county government, local bar members, legal services, law librarians, and the public.

In this report, the task force has attempted to present a comprehensive statewide plan that effectively addresses the way in which courts are handling self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends them and finds that there is a compelling need throughout the state for courts to change the way they have been doing business. The growth in the numbers of pro per litigants has been documented in a myriad of reports and articles and particularly in the strategic plans submitted by local courts to the Judicial Council. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have had attorneys to represent them. Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This is a reality that is unlikely to change any time soon.

The task force has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is a clearly definable access issue for the public. It also creates a structural gap for the courts. Many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. Cost benefits to the courts produced by pro

per assistance programs have already been documented in terms of savings in courtroom time; reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances; and increases in expeditious case management and settlement services. The success of these programs provides direction to courts as they attempt to deal with current budget conditions. It is imperative to the efficient operation of today's courts that well-designed strategies to serve self-represented litigants are incorporated throughout the full scope of court operations. The task force believes that unless the impact on self-represented litigants is a critical consideration in planning, any redesign of court operations will not be successful in producing positive net savings.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaboration with bar associations and legal services, California has led the nation in beginning to address the reality of litigation involving self-represented litigants. The task force believes that California is in the best position to continue this leadership role.

### **Background Information**

In November 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. The Chief Justice appointed a team to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to encourage trial courts to develop their own action plans for serving self-represented litigants. To date 52 of California's 58 county courts have participated in this planning process, and 45 have completed their plans. The task force has reviewed all 45 action plans.

Through this planning process, local trial courts reported growing numbers of self-represented litigants in all areas of civil litigation. Action plans reported up to 95 percent pro per rates in unlawful detainer, 55 percent in probate, 50 percent in general civil, 40 percent in juvenile dependency, and 95 percent in family law. Available data from the Judicial Branch Statistical Information System (JBSIS) shows that at the time of disposition, petitioners in dissolution cases were pro per 80 percent of the time and in paternity cases 96 percent. In one 12-month period, California's family law facilitator program served over 450,000 self-represented litigants, the family law information centers served over 45,000 such individuals, and over 1 million people used the California Courts Online Self-Help Center. Over 4.3 million of California's court users are self-represented. The number of Californians whose income is not sufficient to afford private legal representation, yet is above the limits of entitlement to free service from legal aid assistance programs or the public defender, continues to grow and results in larger numbers of self-represented litigants within even the juvenile and criminal law departments.

### **Recommendations**

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to

design processes and tools to measure outcomes. Additionally, an effort has been made to identify both existing and potential funding sources.

The task force has analyzed the self-represented litigants action plans submitted by the local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the management of cases involving self-represented litigants and in improving access to justice for the public.

#### **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. The Judicial Council include self-help services as a core court function in the trial court budget process.
- B. Courts utilize court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants and to increase access to justice for the public.
- C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save valuable court time and allow for the most prudent allocation of resources.
- D. Court-based self-help centers serve as focal points for countywide or regional programs, in collaboration with legal services, local bar associations, and other community stakeholders, for assisting self-represented litigants.
- E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

#### **RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. The Administrative Office of the Courts (AOC) maintain a resource library with materials for use by self-help centers in the local courts.

- B. The AOC provide technical assistance to courts on implementation strategies.
- C. The AOC gather and evaluate information about the feasibility of implementing a telephone help-line service to support local self-help centers with access to AOC attorneys.
- D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.
- E. The AOC expand the California Courts Online Self-Help Center.
- F. The Judicial Council continue to simplify its forms and instructions.
- G. The AOC continue to provide technical training and assist local courts in the development and implementation of self-help technology on countywide or regional bases.
- H. The Judicial Council continue to support increased availability of representation for low- and moderate-income individuals.
- I. The Judicial Council continue to work with the State Bar in promoting access for self-represented litigants.
- J. The AOC provide technical assistance related to self-represented litigants to courts that are developing collaborative justice strategies.

### **RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND COURT EXECUTIVES SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

#### **THE TASK FORCE RECOMMENDS THAT:**

- A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services such as research attorneys.
- B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.

### **RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of litigants who navigate the court without the benefit of counsel.
- B. The AOC provide specialized education to court clerks to promote their ability to provide the public with high-quality information and appropriate referrals, as well as to serve as support staff to the self-help centers.

**RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH**  
**JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.
- B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.
- C. Local courts provide law enforcement, local bar associations, law libraries, local domestic violence councils, and other appropriate community groups with information on issues and services related to self-represented litigants.
- D. The Judicial Council continue to coordinate with the State Bar of California, the Legal Aid Association of California, the California Commission on Access to Justice, and other statewide entities on public outreach efforts.

**RECOMMENDATION VI: FACILITIES**  
**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. Court facilities plans developed by the AOC include space for self-help centers in designs for future court facilities, or remodeling of existing facilities.

- B. Facilities include sufficient space for litigants to wait while conducting business at the court.
- C. There be sufficient space at or around courtrooms to wait for cases to be called, to meet with volunteer attorneys, to conduct settlement talks, and to meet with mediators and social services providers.
- D. Facilities include children's waiting areas for litigants who are at the court for hearings or to prepare and file paperwork.
- E. Information stations that can provide general information about court facilities and services be placed near court entrances.
- F. Courts provide maps and signage in several languages to assist self-represented litigants in navigating the court.

#### **RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

#### **THE TASK FORCE RECOMMENDS THAT:**

- A. Continued stable funding be sought to expand successful pilot programs statewide.
- B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.
- C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.
- D. Uniform standards for self-help centers be established.
- E. The feasibility of additional revenue generating techniques, such as fees for selected services by self-help centers, be explored if appropriate.
- F. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.
- G. Court-based fees be used for court-based self-help services.

- H. AOC assistance with grant applications and other resource enhancing mechanisms continue to be offered to local courts.

**RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services.
- B. The implementation task force have representation from existing Judicial Council advisory committees.

**Conclusion**

This task force has attempted to fulfill its mission by presenting a comprehensive statewide plan that addresses the critical need of courts to effectively manage cases involving self-represented litigants while providing assistance to the public. The handling of self-represented litigants is a daily business event at every level of court operations— from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative to any realization of net savings. Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

stance

## **TASK FORCE ON SELF-REPRESENTED LITIGANTS**

### **REPORT**

The Judicial Council's Task Force on Self-Represented Litigants was named by Chief Justice Ronald M. George in May 2001. In response to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of self-represented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly for those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented parties.

The task force is chaired by Associate Justice Kathleen E. O'Leary, Court of Appeal, 4th District. Its members are a diverse group of individuals from throughout the state representing the judiciary, the State Bar of California, trial court administration, court-based self-help center attorneys, county government, local bar members, legal services, law librarians, and the public. (See Appendix 1 for task force roster.)

In this report, the task force has attempted to present a comprehensive statewide plan that effectively addresses the way in which courts are handling self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends them and finds that there is a compelling need throughout the state for courts to change the way they have been doing business. The growth in the numbers of pro per litigants has been documented in a myriad of reports and articles and particularly in the strategic plans submitted by local courts to the Judicial Council. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have had attorneys to represent them. Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This is a reality that is unlikely to change any time soon.

The task force has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is a clearly definable access issue for the public. It also creates a structural gap for the courts. Many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. Cost benefits to the courts produced by pro



per assistance programs have already been documented in terms of savings in courtroom time; reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances; and increases in expeditious case management and settlement services. The success of these programs provides direction to courts as they attempt to deal with current budget conditions. It is imperative to the efficient operation of today's courts that well-designed strategies to serve self-represented litigants are incorporated throughout the full scope of court operations. The task force believes that unless the impact on self-represented litigants is a critical consideration in planning, any redesign of court operations will not be successful in producing positive net savings.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaboration with bar associations and legal services, California has led the nation in beginning to address the reality of litigation involving self-represented litigants. The task force believes that California is in the best position to continue this leadership role. (A comprehensive description of California's self-help programs and projects is attached as Appendix 2.)

### **Background Information**

In November 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. The Chief Justice appointed a team to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to encourage trial courts to develop their own action plans for serving self-represented litigants. To date 52 of California's 58 county courts have participated in this planning process, and 45 have completed their plans. The task force has reviewed all 45 action plans. (A summary of these plans is attached as Appendix 3.)

Through this planning process, local trial courts reported growing numbers of self-represented litigants in all areas of civil litigation. Action plans reported up to 95 percent pro per rates in unlawful detainer, 55 percent in probate, 50 percent in general civil, 40 percent in juvenile dependency, and 95 percent in family law. Available data from the Judicial Branch Statistical Information System (JBSIS) shows that at the time of disposition, petitioners in dissolution cases were pro per 80 percent of the time and in paternity cases 96 percent. In one 12-month period, California's family law facilitator program served over 450,000 self-represented litigants, the family law information centers served over 45,000 such individuals, and over 1 million people used the California Courts Online Self-Help Center. Over 4.3 million of California's court users are self-represented. The number of Californians whose income is not sufficient to afford private legal representation, yet is above the limits of entitlement to free service from legal aid assistance programs or the public defender, continues to grow and results in larger numbers of self-represented litigants within even the juvenile and criminal law departments.

### **Recommendations**

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the

need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. Additionally, an effort has been made to identify both existing and potential funding sources.

The task force has analyzed the self-represented litigants action plans submitted by the local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the management of cases involving self-represented litigants and in improving access to justice for the public.

#### **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

##### **THE TASK FORCE RECOMMENDS THAT:**

##### **A. The Judicial Council include self-help services as a core court function in the trial court budget process.**

Assistance for self-represented litigants, and the efficient processing of cases involving self-represented litigants, should be identified as core operational processes of the court that directly affect its ability to achieve its mission, and appropriate funding provided. Budget request forms developed by the Judicial Council should reflect that these services are integral to the function of the court.

##### **B. Courts utilize court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants and to increase access to justice for the public.**

A court-based, attorney-supervised, staffed self-help center is the optimum approach for both litigants and the court. Self-help center staff should be supported by written instructional materials, resource guides, computer programs and Web sites, videos, and other materials. Without available staff assistance, these resources alone should not be considered a self-help center. Sufficient support staff should also be provided to self-help center attorneys through training, additional staffing, and potential redeployment of existing staff.

Surveys of self-represented litigants demonstrate that most litigants find personal contact with staff essential. Personal assistance by self-help center staff has been successfully provided through individual face-to-face assistance, workshops, teleconferencing, or telephone "help lines". Services may be provided at the courthouse, at court outpost locations, in mobile vans, libraries, jails, or other community locations. Some litigants are comfortable securing information exclusively through written materials or via the Internet. These services are helpful

for those who find it difficult to take time from work or other responsibilities or who face geographic or physical challenges getting to a self-help center. It appears that the most desirable format for legal assistance varies based on the sophistication of the person seeking assistance, the type of proceeding, the complexity of the issues, the availability of staffing resources, and the volume of demand for services, along with a number of other factors.

**C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save valuable court time and allow for the most prudent allocation of resources.**

It is clear that there are individuals who truly would be denied access to justice without full or partial representation by counsel. One of the services that is the most valuable to the self-represented litigant is help with recognizing the need for legal counsel and referrals to appropriate legal resources in the community. This can create savings in court time otherwise spent repeatedly processing inaccurate or incomplete paperwork, calendaring unnecessary hearings, and dealing with repeated requests for legal advice made to judicial officers and other court staff. It also helps to discourage people from initiating complex lawsuits without legal representation in subject matter areas that require costly expert witnesses, difficult evidentiary proof, and other challenges impossible for a self-represented litigant to overcome. The self-help centers should be encouraged to work with legal aid organizations and pro bono programs that can provide full representation, as well as certified lawyer referral and information services. Courts should also support local bars and lawyer referral services programs to develop a panel of attorneys who provide unbundled legal services. It should be a goal of a self-help center to work with local bar associations and legal services organizations to develop a seamless system of referrals so that the public can access the appropriate level of service as easily as possible. (Please refer to the diagram in Appendix 4.)

Identifying a litigant's issues and determining the adequate degree of necessary support early in the process also increases court efficiency and allows for the most prudent allocation of resources. This assessment (triage) should occur when an individual first arrives at the self-help center seeking help. A qualified member of the court staff should conduct a brief needs assessment and direct the person appropriately. Staff needs to know how to ask detailed direct questions to immediately identify the needs of the self-represented litigant and potential barriers such as language issues. Early intervention to assist with the correct completion of paperwork, explain procedural requirements including filing fees and costs and provide basic information about court processes can save time for the court clerks, as well as the courtroom staff, and can avoid unnecessary continuances, and enhance public trust and confidence in the court.

**D. Court-based self-help centers serve as focal points for countywide or regional programs, in collaboration with legal services, local bar associations, and other community stakeholders, for assisting self-represented litigants.**

Valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other existing and effective efforts to support self-represented

litigants be continued and encouraged. Through partnership agreements and other collaborative efforts, private nonprofit legal programs; local bar associations; law libraries; public libraries; law schools and colleges; professional associations for psychologists, accountants, and process servers; and other appropriate community groups and organizations can offer staffing support, make facilities available for workshops, or contribute in other ways.

Through aggressive networking and collective effort, a greater amount of services can be provided and a larger number of self-represented litigants can be assisted. One court cited its positive experiences with a mediation program for landlord-tenant disputes sponsored by the local Board of Realtors. County law libraries have been a reliable and traditional source of support for self-represented litigants. Non-profit legal services organizations are currently providing help in a number of counties through both direct services and pro bono attorneys. Many rural courts have developed successful models of sharing facilitator and self-help attorney services between counties.

Successful use of volunteers has been achieved throughout the state. The task force has identified many sources of a large number of potential volunteers to assist in these programs, including members of local bar associations; law students; attorneys emeritus; high school, college, and graduate students; retired persons; paralegal students; and retired judicial officers.

The community-focused planning process by the local courts has been successful in involving representatives of these many different service providers in collaborative efforts with the courts to develop and implement enhanced services including assistance for self-represented litigants. The Judicial Council should continue to support ongoing strategic planning.

**E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.**

The task force recognizes that the need for bilingual staff and legal information and education for self-represented litigants is not limited to the preparation of forms, but extends throughout the court process. In order to conserve resources and make it easier for self-represented litigants to find assistance, existing self-help resources should be coordinated to incorporate programs such as the family law facilitator, small claims advisor, court-based legal services, and other programs into centers where both family and civil law information is provided.

Self-help centers should be encouraged to include an array of tasks designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of such tasks include (1) positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions; (2) conducting mediation and other settlement processes; (3) conducting status conferences and providing assistance with preparation of judgments; (4) assisting in coordination of related cases and in development of optimal court operations to expedite cases involving self-represented litigants; (5) serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants; (6) offering

litigants procedural information about enforcement of orders and judgments; (7) providing information to assist litigants with complying with court orders; (8) serving as a single point of contact for community-based organizations and volunteers at the court; and (9) making information available to litigants about the appellate process.

## **RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **A. The Administrative Office of the Courts (AOC) maintain a resource library with materials for use by self-help centers in the local courts.**

Critical work has already been done throughout the state to develop self-help materials for self-represented litigants designed to assist them with obtaining and enforcing court orders. Materials should be collected and expanded, and made available to local courts through resource libraries at the AOC and its regional offices. Web site designs, videos, brochures, translations, information packets, sample grant applications and partnership agreements, MOUs, volunteer training guides, and other materials frequently can be easily replicated or modified for use in other parts of the state. Detailed information on self-represented litigant efforts that have been recognized with California court or bar awards should be showcased.

#### **B. The AOC provide technical assistance to courts on implementation strategies.**

The AOC should continue to provide funding to courts for the development, updating and implementation of community focused action plans for serving self-represented litigants. These planning efforts have been helpful to the courts in coordinating existing services as well as creating new services. The materials as a result of these planning efforts should be distributed statewide. Technical assistance should be provided to local courts in their efforts to serve self-represented litigants including distributing information about promising and effective practices.

#### **C. The AOC gather and evaluate information about the feasibility of implementing a telephone help-line service to support local self-help centers with access to AOC attorneys.**

The AOC should seek funding to provide assistance to the local courts by having staff available to assist with both legal subject matter expertise and knowledge about daily court operations. In this way the AOC attorneys can serve as a resource for local self-help center and other court staff on legal and procedural matters involving self-represented litigants. Bilingual staff should be available to provide some telephone assistance for customers of court-based self-help centers that do not have bilingual staff available answer questions.

**D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.**

Self-represented litigants who face language and cultural barriers comprise a significant segment of the Californians seeking access to justice without benefit of counsel. Several existing self-help programs have provided extensive services to non-English-speaking immigrants. Creation of model protocols based on these achievements and the lessons learned, as well as a central clearinghouse and retention center for translations would be invaluable for courts throughout the state with diverse populations.

**E. The AOC expand the California Courts Online Self-Help Center.**

The California Courts Online Self-Help Center has provided assistance to an enormous number of Californians since its launch. In calendar year 2002, there were over one million users of the Website. Many Judicial Council forms can now be filled out online on this Web site. The AOC has now translated this site into Spanish and should create additional materials in different languages.

The self-help Web site should be expanded to include short videos in English and Spanish explaining various legal concepts critical to self-represented litigants, such as service of process and courtroom presentation, and definitions of the roles of judges and clerks. The Web site should be expanded to include additional step-by-step guides and interactive features such as programs to help users decide where to file their cases, prepare agreements and other documents. Further development of Web site tools to assist the public in accessing legal information, and to assist the court in serving the self-represented population of litigants, should be supported and encouraged.

**F. The Judicial Council continue to simplify its forms and instructions.**

Recently, the AOC has redrafted its domestic violence restraining order and adoption forms and instructions in a plain-English format. The response from the public has been very positive. Continued work to simplify forms and procedures, as well as to redesign forms in a plain-English format, should be supported and encouraged. Special attention should be given to fee waiver forms and standardized procedures for issuing fee waivers.

The AOC should also continue its efforts to translate forms and instructions into more languages and to develop new forms that can facilitate efficient case processing. The use of computer technology should be explored with respect to creating of computerized documents that can impart content created in different counties and that allow pages to be tailored to meet the needs of users (including accommodations for different disabilities).

As subject matter advisory committees to the Judicial Council follow the Access Policy for Low- and Moderate-Income Persons adopted by the Judicial Council on December 18, 2001 and consider the impact of any proposed rules, forms or procedures on low-income litigants, they should be especially mindful of the impact on self-represented litigants.

**G. The AOC continue to provide technical training and assist local courts in the development and implementation of self-help technology on countywide or regional bases.**

Work has already been done on the development of technology designed to support self-help centers and provide distance-learning tools for the public. Examples are interactive forms programs; local Web site construction; videoconferencing for workshops, meetings, and court appearances; programs that allow clerks to create orders after hearing in the courtroom; expanded telephone systems for direct telephone assistance and direct-dial connections to legal and other community services and language interpretation. The AOC should continue to assist local courts in developing these and other technologies to assist self-represented litigants, and to provide training on how to incorporate technology into the self-help centers.

**H. The Judicial Council continue to support increased availability of representation for low- and moderate-income individuals.**

A key to partial representation is the provision of limited scope (unbundled) services. Limited scope representation allows a litigant to retain legal representation on a limited number of issues or tasks within a case, or for a single or limited number of court appearances. Many times it is only the discovery process or judgment drafting that challenges the self-represented litigant. Other times, the presence of an attorney at one hearing can help resolve a case. The opportunity to retain counsel for a discrete portion of a case would be of enormous help to many. The concept of limited scope representation should continue to be pursued and supported. The AOC should provide training to judges and court staff and collaborate with the State Bar for training of attorneys on limited scope representation.

To meet special needs and to increase the availability of full representation for low- and moderate-income litigants, partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services in California.

The Judicial Council has adopted a resolution encouraging pro bono legal assistance, and the Chief Justice has demonstrated his personal commitment to this effort in many ways, including appearing at the State Bar's Annual Meeting to personally present the State Bar President's Pro Bono Service Awards each year. Judicial officers should be advised of the many ways in which they can join the Chief Justice in supporting pro bono work and other legal service efforts consistent with the California Code of Judicial Ethics provisions on impartiality. Local courts

should consider promoting pro bono work through the recognition of programs or other procedures that make pro bono commitment less onerous for a lawyer.

**I. The Judicial Council continue to work with the State Bar in promoting access for self-represented litigants.**

Much can be accomplished by entities working together to promote access for self-represented litigants. These entities could help ensure coordination in developing resources and encourage efforts in this area. This could include recognizing and honoring, with awards and otherwise, individuals and organizations leading the way in providing access to self-represented litigants.

**J. The AOC provide technical assistance related to self-represented litigants to courts that are developing collaborative justice strategies.**

Many courts are now implementing collaborative justice strategies. Examples are criminal, family and juvenile dependency drug courts as well as homeless and community courts. Domestic violence courts have also been implemented that collaborate with an array of service providers for families. Six mentor courts are in the process of developing a unified court for families model, and others have previously adopted this strategy. A number of the collaborative justice courts deal with high percentages of self-represented litigants. The AOC should provide technical assistance to these collaborative justice programs with issues relating to self-represented litigants. These courts seem to be provide holistic and helpful services for many self-represented litigants and should be encouraged.

**RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND COURT EXECUTIVES SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services such as research attorneys.**

In reviewing the practices of courts throughout the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants many times lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to provide quality service to self-



represented litigants. Such resources may be the access to research attorneys to provide the court with research that the court would ordinarily order the lawyers to prepare if the parties were represented. It may also include availability of self-help center attorneys in the courtrooms to assist with cases involving self-represented litigants. All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources.

Many times a person's only experience with the court system is as a self-represented litigant in a family, small claims, traffic, or unlawful detainer case. This single experience can determine an individual's trust and confidence in the courts. The individual's perception is often shared with family, friends and co-workers, so one experience can have a ripple effect, influencing levels of trust for judicial institutions among the general public, far beyond those with first-hand negative court experience.

**B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.**

Many courts have developed enormously effective self-represented litigant planning groups locally that include participants from other governmental agencies, local bars and legal services and numerous community participants. Courts should be encouraged to continue these court and community collaborative groups and include regular meetings of stakeholders to discuss ways to coordinate and enhance resources for self-represented litigants.

**RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of litigants who navigate the court without the benefit of counsel.**

The surveys conducted by local courts in developing action plans to serve self-represented litigants indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. In contrast, a similar inquiry of court personnel suggested that self-represented litigants could best be served not through direct staff service, but through written materials and other self-help support. (See Appendix 3) Such a dichotomy is also evident in survey and anecdotal information gathered by this task force. This gap must be bridged, and it is hoped that education will assist in doing just that.

Judicial officers and court staff receive nominal, if any, education to prepare them to address the unique issues presented by self-represented litigants. The traditional litigant is represented by a lawyer who is well acquainted with court rules and procedures and accustomed to courtroom and courthouse practices. Most self-represented litigants do not routinely use the court and consequently they face and present particular challenges when they attempt to effectively access the justice system. Indicators from courts that provide assistance to self-represented litigants point to the fact that better informed litigants help the courts run smoothly. It is hoped that by providing staff with better skills to address these challenges direct service efforts will be viewed as more feasible and productive.

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (i.e., attorney services, paralegals, legal secretaries, etc.). Based on a variety of factors previously discussed, the California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services. Research should be conducted with judicial officers and litigants to determine effective strategies for communicating with self-represented litigants and to manage courtrooms in an efficient manner that allows litigants to have trust and confidence in the court.

In recent years education was offered to prepare judicial officers and court staff to work more effectively in the court system with distinct needs such as persons living with disabilities or children. Much thought was given to how the courts could accommodate unique requirements and still maintain the neutrality crucial to every fair adversarial proceeding. A model and delivery methods should be developed to provide judicial officers and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality. Subject matter areas should include:

- Ethical constraints when dealing with self-represented litigants
- Working with self-help center staff to promote courtroom efficiency
- Simple and ordinary English language skill

- Effective interaction techniques when one or both parties is self-represented
- Cultural competency
- Creation of a fair process that promotes the perception of fairness
- Community outreach and education

Education for temporary judges, security staff, bailiffs, and others who often have significant interaction with self-represented litigants, but who often don't receive training in how to work effectively with them, should be developed and made mandatory whenever possible.

**B. The AOC provide specialized education to court clerks to promote their ability to provide the public with high-quality information and appropriate referrals, as well as to serve as support staff to the self-help centers.**

Particular attention should be given to continuing and expanding the training and education of court clerks. The expectation that clerks should answer questions for the public as long as no legal advice is given makes the need for increased training and education critical. The information provided to the public should be reliable and of high quality. Further, if clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided. Subject matter areas should include the following:

- The difference between legal advice and legal information
- Working with self-help center staff to provide effective service to the public
- Training on community services available to self-represented litigants
- Uniform procedures for handling fee waiver requests
- A basic overview of substantive and procedural issues relevant to self-represented litigants
- Self-help Web site information available to court staff
- Creation of perception of fairness and equal treatment of all court users
- Effective skills in dealing with people in crisis
- Cultural competency
- Use of simple and ordinary English language skills when explaining legal procedures

**RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH**  
**JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.**

Judicial officers should be encouraged to engage in community outreach and education programs. All too often the public forms its impressions and acquires its knowledge of the legal system based solely on the images of the legal system portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts. Videotapes, speaker materials and talking points on a variety of legal issues could be prepared for use by public-access television, self-help centers, law libraries, and other information outlets. A law-related educational Web site should be developed for grade school, middle school, and high school students. Programs such as Spanish language radio programs should be encouraged to expand outreach to traditionally underserved populations. For example, information could be provided to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin.

**B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.**

Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to services that are available to self-represented litigants. "Day on the Bench" activities that courts conduct should include a visit to the self-help center. Collaborative intergovernmental endeavors to address the needs of self-represented litigants would be extremely productive.

**C. Local courts provide law enforcement, local bar associations, law libraries, local domestic violence councils, and other appropriate community groups with information on issues and services related to self-represented litigants.**

Local courts should make training available to law enforcement agencies who must enforce the domestic violence, custody/visitation, eviction and other orders made by the court. Law enforcement can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement about problems they are experiencing in the field enforcing court orders.

The California justice structure represents a continuum of effort beginning many times with an officer on street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice both in practice and in perception must be instilled. Additionally local bar associations, law libraries and other

appropriate community services should be kept informed about services available and issues of concern to self-represented litigants, and included in collaborations for trainings among agencies.

**D. The Judicial Council continue to coordinate with the State Bar of California, the Legal Aid Association of California, the California Commission on Access to Justice, and other statewide entities on public outreach efforts.**

Under the direction of the Judicial Council, coordination efforts between the AOC, the State Bar of California, the Legal Aid Association of California, the California Commission on Access to Justice and other organizations including those representing law librarians, public libraries and diverse community groups are critical to distributing information about statewide efforts and to supporting the work of local courts. Efforts to encourage community groups to assist litigants utilize self-help websites and other technological resources are one example of outreach activities as are co-sponsored conferences and workshops.

**RECOMMENDATION VI: FACILITIES**

**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. Court facilities plans developed by the AOC include space for self-help centers in designs for future courthouse facilities, or remodeling of existing facilities.**

Self-help services should be as close to the counter clerk's office as possible. Adequate space should be provided for self-help center staff to provide services to the public. Self-represented litigants also need space to sit and work on their paperwork at the court. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources in the self-help centers should be available for self-represented litigants' use.

Courts should develop an access checklist for court personnel to use that enables them to see the courthouse through the eyes of a first-time user. The tool should consider signage, how easy it is to find the self-help center, and other issues self-represented litigants face in navigating the court. An example is the method of identifying courtrooms. Identification of courtrooms, including numbering, should be focused on helping the public easily find the correct location.

**B. Facilities include sufficient space for litigants to wait while conducting business at the court.**

Court facilities should provide for sufficient space for litigants to wait while conducting business. Waiting areas can contain written information, posters, flowcharts and types of

information that might help the litigant be better informed by the time they reach the clerk's window.

**C. There be sufficient space at or around courtrooms to wait for cases to be called, to meet with volunteer attorneys, to conduct settlement talks, and to meet with mediators and social services providers.**

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if there is not enough space to sit in the courtrooms, or if the space is overcrowded, and the litigants are forced to wait in hallways without the support of courtroom staff. Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys or social service providers.

**D. Facilities include children's waiting areas for litigants who are at the court for hearings or to prepare and file paperwork.**

Litigants are often forced to bring children with them. Lack of funds or available child care is a common problem. Litigants are not able to supervise young children and pay attention to instructions given to them by court staff. Without appropriate accommodations, unattended children run unsupervised in the halls of the courthouse while the litigant is filling out forms. This creates frustration for other court users, court staff, and the parents. Also, valuable time is wasted and safety is compromised.

Further, litigants often cannot find child care on the day of their hearings. Children are not allowed in the courtrooms in many family law departments. There is no way the parent can effectively participate in a hearing and handle the child at the same time. Again, this creates frustration for litigants and increased burden on court staff. Properly staffed children's waiting areas should be incorporated into all facilities to ease these burdens. Courts should be encouraged to use the provisions of Government Code §26826.3 to provide funding to staff these waiting rooms.

**E. Information stations that can provide general information about court facilities and services be placed near court entrances.**

Information stations situated near entrances have proved to be very helpful to litigants in navigating their way around the court. This can be to be an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired location and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available.

**F. Courts provide maps and signage in several languages to assist self-represented litigants in navigating the court.**

Signs, maps, and floor-plan charts have all proved useful to the public for providing information about how to use the court. These should be translated in to several languages and can provide much-needed assistance. Universal signage should be developed to help litigants find common services such as an information station.

**RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. Continued stable funding be sought to expand successful pilot programs statewide.**

The Judicial Council should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for self-represented litigants projects, the Unified Courts for Families project, and the Equal Access Partnership Grant projects. Funding should be sought to expand successful pilot programs throughout the state.

Current programs operating to meet the needs of self-represented litigants rely on a variety of funding sources. Until adequate and stable funding is included within the judicial branch's appropriation, there can be no assurance self-represented litigants throughout the state will have equal access to justice. Regrettably, access to justice presently is often dependent on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants. It is imperative that the Judicial Council continue to explore and pursue funding strategies for self-represented litigant services.

**B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.**

The task force is very mindful of the current fiscal circumstances in California and recognizes the need for a thoughtful and cost-effective plan. A number of the suggested initiatives require ongoing funding and dovetail with ongoing work of the Judicial Council and the trial courts. Other proposals require new funding. Work needs to begin to develop a basis for continued and future funding. An attempt has been made to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. The Judicial Branch Statistical Information System (JBSIS) should include information on whether or not one or both litigants are represented by counsel in all categories of cases. The information should be collected and reported by the AOC.

In addition to collecting uniform statistics from courts, a survey of local and state legislators should be considered to determine the number of constituent contacts they receive from self-represented litigants requesting legal assistance. Current information on state and local poverty demographics should be compiled and synthesized. Organizations serving the homeless and other disadvantaged segments of our population may also be able to contribute specific instances of demonstrated need for legal services. Needs assessments conducted by legal service providers and by other organizations such as the United Way are other sources of information.

**C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.**

In addition to needs for service, the impact of programs for self-represented litigants must be documented and reported on. The AOC is currently conducting two major evaluations of self-help programs and the results of those evaluations should be disseminated when completed in March, 2005. The evaluation tools developed by these projects should be distributed to the courts to assist them in evaluating their local self-help centers. Strategies for determining and documenting cost-savings would be of particular value.

Quality, not just quantity, of service must be calculated in evaluation of these programs. The impact of these services must also be measured. Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results will not only gauge success of a program, they will be useful in determining the relative effectiveness of individual parts of a program as compared with other services. Additionally, a method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and web-based self-help programs should also be studied.

**D. Uniform standards for self-help centers be established.**

Basic minimum standards should be established. Criteria should include minimum staffing levels, experience, facilities requirements, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data.



**E. The feasibility of additional revenue generating techniques, such as fees for selected services by self-help centers, be explored if appropriate.**

Given the dire fiscal circumstances facing the state of California, and the judicial branch in particular, the task force felt it would be remiss if it did not consider policies and practices that may have potential for revenue generation. In that vein the task force considered the concept of user fees. The task force acknowledges that any fee arrangement would need to be designed in such a way that it does not restrict access to the court or create any misunderstanding as to the creation of an attorney client relationship. A fee schedule based on ability to pay and procedures for fee waivers would need to be devised. A cost effective means of collection would also need to be designed. Within the parameters of these significant challenges, the task force cautiously suggests that the feasibility of fees for service as a potential revenue source to support services to self represented litigants be explored.

**F. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.**

Although we now have state court funding, many counties have made the decision to support local self-help projects, and have worked out partnerships with their local courts and legal services programs to enhance their budgets for assistance to self-represented litigants. This represents an understanding by county government of the constituent need for such services. It is hoped these endeavors will serve as an example for other countries of a sensible expenditure of public funding for meaningful constituent services.

**G. Court-based fees be used for court-based self-help services.**

Despite the shift of financial responsibilities for the courts from the counties to the state, certain justice system revenues have yet to be shifted to the judicial branch. A realignment of revenue should be sought to direct justice-system-related revenue within the judicial branch. The small claims advisor fees and funds from the Dispute Resolution Program Act are two examples of revenue sources that could be utilized to meet the needs of self-represented litigants. Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities, and the fact that court fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued.

**H. AOC assistance with grant applications and other resource enhancing mechanisms continue to be offered to local courts.**

The Judicial Council, through the AOC, should continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and

otherwise support local courts in obtaining resources for self-help. Generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

#### **RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services.**

The implementation of well-designed programs for self-represented litigants that effectively facilitate the expeditious management of their cases in court requires knowledgeable input from all levels of court operations. Participation of judicial officers and self-help attorneys is imperative. Expertise in court management, operations, facilities, and budgeting will also be required. Additional expertise is needed in the areas of legislation and education for judicial officers and other court staff.

- B. The implementation task force have representation from existing Judicial Council advisory committees.**

The task force recognizes that many of the strategies recommended in this plan will require action by a variety of Judicial Council Advisory committees such as the Presiding Judges and Court Executives, Appellate, Family and Juvenile, Civil and Small Claims, Court Interpreters, Traffic, Probate, Technology, and Facilities Committees. The implementation task force should have representatives from those committees to ensure effective coordination and appropriate subject matter expertise.

#### **Conclusion**

This task force has attempted to fulfill its mission by presenting a comprehensive statewide plan that addresses the critical need of courts to effectively manage cases involving self-represented litigants while providing assistance to the public. The handling of self-represented litigants is a daily business event at every level of the court operations - from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative to any realization of net savings. Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can

improve the quality of their service to the public, and reduce the time and cost of service delivery.

While many litigants will need full or partial representation, the self-represented litigant population continues to grow and is well documented nationally, and even internationally. California, in recognizing that the courts have a duty to provide all Californians with a fair and efficient process by which to resolve their disputes, has been in the forefront of the effort to provide services to self-represented litigants and thereby increase access to justice. In so doing, the critical need for courts to include planning for the effective management of cases involving self represented litigants has become clear.

Courts are recognizing the cost benefits of the self-help centers and their attorneys in cases involving self-represented litigants. Cost savings have been found in reduction of time for judges and other court staff; inaccurate paperwork and unnecessary continuances; and in expeditious case management and settlement services. These are but a few of the self-help techniques that work to maximize scarce resources for the courts.

As Chief Justice Ronald M. George has noted, the population appearing in today's courts has changed in every capacity, and as a result, so have society's expectations. California can and should continue its leadership role in this regard.

# JUDICIAL COUNCIL TASK FORCE ON SELF-REPRESENTED LITIGANTS ACTION PLAN

## **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

- |             |  |
|-------------|--|
| <b>IA.</b>  | <b>THE JUDICIAL COUNCIL INCLUDE SELF-HELP SERVICES AS A CORE COURT FUNCTION IN THE TRIAL COURT BUDGET PROCESS.</b> <ol style="list-style-type: none"> <li>1. Effective management of cases involving self-represented litigants directly affects the ability of the courts to achieve their missions, and appropriate funding should be budgeted.</li> <li>2. Judicial Council budget request forms should reflect these services as a core court process.</li> </ol>  |
| <b>I.B.</b> | <b>COURTS UTILIZE COURT-BASED, ATTORNEY-SUPERVISED, STAFFED SELF-HELP CENTERS AS THE OPTIMUM WAY TO FACILITATE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO INCREASE ACCESS TO JUSTICE FOR THE PUBLIC.</b> <ol style="list-style-type: none"> <li>1. Methods of service delivery may vary according to the needs of the individual and the legal complexities of the case.</li> <li>2. For cases in which self-study methods are sufficient, written materials, forms with instructions, Web site information, videos, and other materials should be made available.</li> <li>3. Personal contact with self-help center staff by telephone, workshop, or individual assistance is frequently the most helpful method of service.</li> <li>4. Sufficient support staff should be provided to self-help center attorneys through possible redeployment of existing court staff.</li> <li>5. Services may be provided at the court, in community centers, mobile vans, libraries, jails, or other community locations.</li> <li>6. Some individuals can only gain meaningful access to the court with full-service legal representation. To meet that need:               <ul style="list-style-type: none"> <li>○ Self-help centers should work with certified lawyer referral services, and</li> <li>○ Local courts should promote pro bono representation with recognition programs or other incentives for attorneys.</li> </ul> </li> </ol> |
| <b>I.C.</b> | <b>SELF-HELP CENTERS CONDUCT INITIAL ASSESSMENT OF A LITIGANT'S NEEDS (TRIAGE) TO SAVE VALUABLE COURT TIME AND ALLOW FOR THE MOST PRUDENT ALLOCATION OF RESOURCES.</b> <ol style="list-style-type: none"> <li>1. When an individual first arrives at the courthouse seeking help, a qualified member of the self-help center staff should conduct a brief needs assessment and direct the person appropriately.</li> <li>2. The self-help centers should be encouraged to work with legal aid organizations that can provide full representation as well as with certified lawyer referral and information services, and should encourage the development of panels of attorneys providing unbundled services.</li> <li>3. Early intervention by self-help center staff to assist with the correct completion of paperwork, explain procedural requirements, and provide basic information about court processes can save time for the court clerks, as well as courtroom staff, and can avoid unnecessary continuances.</li> </ol>  |

## **Recommendation I. Self-Help Centers – continued**

### **Strategies – continued**

<b>I.D.</b>	<p><b>COURT-BASED SELF-HELP CENTERS SERVE AS FOCAL POINTS FOR COUNTYWIDE OR REGIONAL PROGRAMS, IN COLLABORATION WITH LEGAL SERVICES, LOCAL BAR ASSOCIATIONS AND OTHER COMMUNITY STAKEHOLDERS, FOR ASSISTING SELF-REPRESENTED LITIGANTS.</b></p> <ol style="list-style-type: none"><li>1. Partnerships with organizations such as nonprofit legal services; bar associations; public institutions; law libraries, public libraries, professional associations for psychologists, accountants, and process servers; and other appropriate organizations should be continued and encouraged.</li><li>2. Aggressive networking and collaborative efforts can maximize resources in numerous ways, such as<ul style="list-style-type: none"><li>○ Providing facilities for workshops</li><li>○ Providing mediation</li><li>○ Providing assistance at law libraries</li><li>○ Providing volunteer accounting or psychological assistance in appropriate cases</li></ul></li><li>3. Collaborative efforts can also provide volunteer staffing resources such as<ul style="list-style-type: none"><li>○ Local attorneys, attorneys emeritus and retired judicial officers for the self-help centers</li><li>○ Law student interns</li><li>○ Other student volunteers</li></ul></li><li>4. The Judicial Council should continue to support ongoing community-focused strategic planning.</li></ol>
<b>I.E.</b>	<p><b>SELF-HELP CENTERS PROVIDE ONGOING ASSISTANCE THROUGHOUT THE ENTIRE COURT PROCESS, INCLUDING COLLECTION AND ENFORCEMENT OF JUDGMENTS AND ORDERS.</b></p> <ol style="list-style-type: none"><li>1. Existing self-help resources should be coordinated to incorporate programs such as the family law facilitator, small claims advisor, court-based legal services, and other programs into centers where both family and civil law information is provided.</li><li>2. Self-help centers should be encouraged to include an array of services designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of these services include the following:<ul style="list-style-type: none"><li>○ Positioning of staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions;</li><li>○ Conducting mediation and other settlement processes;</li><li>○ Conducting status conferences and providing assistance with orders and judgments;</li><li>○ Assisting in coordination of related cases and in development of optimal court operations</li><li>○ Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants.</li><li>○ Offering litigants procedural information about enforcement of orders and judgments;</li><li>○ Providing information to assist litigants comply with court-ordered services;</li><li>○ Serving as a single point of contact for community-based organizations and volunteers at the court; and</li><li>○ Making information available about the appellate process.</li></ul></li></ol>

## **RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>II.A.</b>	<b>THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) MAINTAIN A RESOURCE LIBRARY WITH MATERIALS FOR USE BY SELF-HELP CENTERS IN THE LOCAL COURTS.</b> <ol style="list-style-type: none"><li>1. Materials that have been developed and designed to assist self-represented litigants with obtaining and enforcing court orders should be collected and maintained. Examples include:<ul style="list-style-type: none"><li>○ Web site designs, videos, brochures, translations, and informational packets.</li><li>○ Administrative materials include such as partnership agreements, MOUs, and volunteer training guides.</li><li>○ Detailed information on self-represented litigants efforts that have been recognized with California courts or other awards.</li></ul></li></ol>
<b>II.B.</b>	<b>THE AOC PROVIDE TECHNICAL ASSISTANCE TO COURTS ON IMPLEMENTATION STRATEGIES.</b> <ol style="list-style-type: none"><li>1. Regional conferences, training sessions and online meetings.</li><li>2. AOC to have knowledgeable staff available to provide legal subject matter and operations assistance to local courts.</li></ol>
<b>II.C</b>	<b>THE AOC GATHER AND EVALUATE INFORMATION ABOUT THE FEASIBILITY OF IMPLEMENTING A TELEPHONE HELP-LINE SERVICE TO SUPPORT THE LOCAL SELF-HELP CENTERS WITH ACCESS TO AOC ATTORNEYS.</b> <ol style="list-style-type: none"><li>1. AOC attorneys to serve as a resource for local programs.</li><li>2. Experts in legal and procedural subject matter and court operations should be available.</li><li>3. Bilingual staff should be available.</li></ol>
<b>II.D.</b>	<b>THE AOC SERVE AS A CENTRAL CLEARINGHOUSE FOR TRANSLATIONS AND OTHER MATERIALS IN A VARIETY OF LANGUAGES.</b> <ol style="list-style-type: none"><li>1. Create model protocols based on success of self-help centers that provide services in languages in addition to English.</li><li>2. Create clearinghouse for translations and other materials.</li></ol>
<b>II.E.</b>	<b>THE AOC EXPAND THE CALIFORNIA COURTS ONLINE SELF-HELP CENTER</b> <ol style="list-style-type: none"><li>1. Provide additional material in different languages.</li><li>2. Add short videos in English and Spanish to explain concepts such as service of process and courtroom presentations.</li><li>3. Create interactive features and step-by-step guides.</li><li>4. Continue to add additional information.</li></ol>

## Recommendation II - Self-Help Center Support System

### Strategies – continued

<b>II.F.</b>	<b>THE JUDICIAL COUNCIL CONTINUE TO SIMPLIFY ITS FORMS AND INSTRUCTIONS.</b> <ol style="list-style-type: none"> <li>1. Expand translation of forms and instructions into “plain language.”</li> <li>2. Continue to work on simplification of forms and instructions.</li> <li>3. Continue efforts to translate forms and instructions into more languages.</li> <li>4. Develop forms for use with unbundled legal services.</li> <li>5. Explore computerized forms that can create case-specific documents and to meet the needs of persons with different disabilities.</li> </ol>
<b>II.G.</b>	<b>THE AOC CONTINUE TO PROVIDE TECHNICAL TRAINING AND ASSIST LOCAL COURTS IN THE DEVELOPMENT AND IMPLEMENTATION OF SELF-HELP TECHNOLOGY ON COUNTYWIDE OR REGIONAL BASES.</b> <ol style="list-style-type: none"> <li>1. AOC to provide training to self-help centers on the use of technology and how to guide self-represented litigants to internet resources.</li> <li>2. AOC to assist in development of self-represented litigant technology, such as               <ul style="list-style-type: none"> <li>o Interactive forms programs &amp; programs to help litigants develop agreements</li> <li>o Local Web site enhancement</li> <li>o Videoconferencing for workshops, meetings, and court appearances</li> <li>o Telephone help-lines &amp; direct telephone lines to legal and social service resources in the community</li> <li>o Programs for clerks to draft orders after hearing in the courtrooms</li> <li>o Audiotapes in English and other languages with information on forms preparation, procedures, and the courtroom</li> </ul> </li> </ol>
<b>II.H.</b>	<b>THE JUDICIAL COUNCIL CONTINUE TO SUPPORT INCREASED AVAILABILITY OF REPRESENTATION FOR LOW- AND MODERATE-INCOME INDIVIDUALS.</b> <ol style="list-style-type: none"> <li>1. Support the pursuit of limited scope (unbundled) legal representation by               <ul style="list-style-type: none"> <li>o Training judicial officers and court staff and collaboration with State Bar for attorney training</li> </ul> </li> <li>2. Support partnerships between judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission to increase funding for legal services.</li> <li>3. Advise judicial officers of ways in which they can join with the Chief Justice in increasing pro bono work and other legal services consistent with the Code of Judicial Ethics.</li> </ol>
<b>II.I.</b>	<b>THE JUDICIAL COUNCIL CONTINUE TO WORK WITH THE STATE BAR IN PROMOTING ACCESS FOR SELF-REPRESENTED LITIGANTS.</b> <ol style="list-style-type: none"> <li>1. Coordination in developing resources.</li> <li>2. Recognition with honors and awards for efforts to assist self-represented litigants.</li> </ol>
<b>II.J.</b>	<b>THE AOC PROVIDE TECHNICAL ASSISTANCE RELATED TO SELF-REPRESENTED LITIGANTS TO COURTS THAT ARE DEVELOPING COLLABORATIVE JUSTICE STRATEGIES.</b> <ol style="list-style-type: none"> <li>1. Unified Courts for Families</li> <li>2. Family drug courts</li> <li>3. Domestic violence courts</li> </ol>

### **RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND COURT EXECUTIVES SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

#### **THE TASK FORCE RECOMMENDS THAT:**

##### **Strategies:**

<b>III.A.</b>	<b>JUDICIAL OFFICERS HANDLING LARGE NUMBERS OF CASES INVOLVING SELF-REPRESENTED LITIGANTS BE GIVEN HIGH PRIORITY FOR ALLOCATION OF SUPPORT SERVICES SUCH AS RESEARCH ATTORNEYS.</b> <ol style="list-style-type: none"><li>1. Encourage assignment of experienced, talented and energetic judicial officers with comprehensive knowledge of the substantive law to departments with high numbers of self-represented litigants, such as family law, small claims, traffic, or unlawful detainer.</li><li>2. Provide judicial officers in assignment with large pro per populations research attorney support.</li><li>3. Make sufficient courtroom assistance by self-help center attorney available to judicial officers and pro pers.</li><li>4. Provide sufficient courtroom staff to allow for efficient flow of calendars.</li></ol>
<b>III.B.</b>	<b>COURTS CONTINUE, OR IMPLEMENT, A SELF-REPRESENTED LITIGANT PLANNING PROCESS THAT INCLUDES BOTH COURT AND COMMUNITY STAKEHOLDERS, AND WORKS TOWARD ONGOING COORDINATION OF EFFORTS.</b> <ol style="list-style-type: none"><li>1. Working groups that have been formed for action planning for self-represented litigants locally should be ongoing and active.</li><li>2. Monthly meetings of local stakeholders.</li><li>3. Participants might include the court, legal services, other governmental agencies, local bars and legal services law libraries, public libraries, law schools, community colleges, other schools, community social service providers and a wide variety of other appropriate community based groups.</li></ol>



## **RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>IV.A.</b>	<b>A FORMAL CURRICULUM AND EDUCATION PROGRAM BE DEVELOPED TO ASSIST JUDICIAL OFFICERS AND OTHER COURT STAFF IN DEALING WITH THE POPULATION OF LITIGANTS WHO NAVIGATE THE COURT WITHOUT THE BENEFIT OF COUNSEL</b> <ol style="list-style-type: none"><li>1. Follow the model of curriculum development recently implemented to accommodate the needs of children in the courtroom as a model for assisting courtroom participants while maintaining neutrality.</li><li>2. Subject matters should include the following:<ul style="list-style-type: none"><li>• Ethical constraints when dealing with pro pers</li><li>• Working with self-help center staff to promote efficiency in the courtroom</li><li>• Plain-English language skills</li><li>• Use of nonverbal communication</li><li>• Cultural competence</li><li>• Community outreach and education</li></ul></li><li>3. Education should be provided for temporary judges and other court staff.</li></ol>
<b>IV.B.</b>	<b>THE AOC PROVIDE SPECIALIZED EDUCATION TO COURT CLERKS TO PROMOTE THEIR ABILITY TO PROVIDE THE PUBLIC HIGH-QUALITY INFORMATION AND APPROPRIATE REFERRALS, AS WELL AS TO SERVE AS SUPPORT STAFF TO THE SELF-HELP CENTERS.</b> <p>Subject matters should include the following:</p> <ul style="list-style-type: none"><li>• The difference between legal advice and legal information</li><li>• Working with self-help center staff to provide effective service to the public</li><li>• Training on community services available to self-represented litigants</li><li>• Uniform procedures for handling fee waiver requests</li><li>• A basic overview of substantive and procedural issues relevant to self-represented litigants</li><li>• Self-help Web site information available to court staff</li><li>• Creation of perception of fairness and equal treatment of all court users</li><li>• Effective skills in dealing with people in crisis</li><li>• Cultural competence</li><li>• Use of simple and ordinary English language skills when explaining legal procedures</li></ul>

## **RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH**

**JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

- |             |   |
|-------------|---|
| <b>V.A.</b> | <b>THE AOC CONTINUE TO DEVELOP INFORMATIONAL MATERIAL AND EXPLORE MODELS TO EXPLAIN THE JUDICIAL SYSTEM TO THE PUBLIC.</b> <ol style="list-style-type: none"><li>1. Judicial officers should be encouraged to engage in community outreach and education programs.</li><li>2. Existing communication modes should be employed to better inform Californians about their courts.</li><li>3. Videotapes on a variety of legal issues should be prepared for use by public access television, self-help centers, law libraries, and other information outlets.</li><li>4. Information should be developed to alert immigrant populations to the most commonly encountered differences between California's laws and those in their countries of origin.</li><li>5. A law-related educational Web site should be developed for grade school, middle school, and high school students.</li></ol> |
| <b>V.B.</b> | <b>EFFORTS TO DISSEMINATE INFORMATION TO LEGISLATORS ABOUT SERVICES AVAILABLE TO AND ISSUES RAISED BY SELF-REPRESENTED LITIGANTS BE INCREASED.</b> <ol style="list-style-type: none"><li>1. Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants.</li><li>2. Implement a "Legislator's Day" in the self-help centers and provide referral materials, testimonials, and research demonstrating benefits to legislators who receive complaints related to access to the courts.</li></ol>  |
| <b>V.C.</b> | <b>LOCAL COURTS PROVIDE LAW ENFORCEMENT, LOCAL BAR ASSOCIATIONS, LAW LIBRARIES, LOCAL DOMESTIC VIOLENCE COUNCILS, AND APPROPRIATE COMMUNITY GROUPS WITH INFORMATION ON ISSUES AND SERVICES RELATED TO SELF-REPRESENTED LITIGANTS</b> <ol style="list-style-type: none"><li>1. Provide training on enforcement of custody/visitation and restraining orders.</li><li>2. Provide information about the ways in which such orders are modified.</li><li>3. Courts should solicit regular input from law enforcement about problems they are having with the enforcement of court orders.</li><li>4. Provide legal services, local bars and other community organizations about services for and matters affecting self-represented litigants.</li><li>5. Collaborate with these stakeholders in cross-trainings.</li></ol>   |
| <b>V.D.</b> | <b>THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, THE LEGAL AID ASSOCIATION OF CALIFORNIA, THE CALIFORNIA COMMISSION ON ACCESS TO JUSTICE AND OTHER STATEWIDE ENTITIES ON PUBLIC OUTREACH EFFORTS.</b> <p>Examples include:</p> <ol style="list-style-type: none"><li>1. Public outreach efforts to increase utilization of self-help websites and other technological resources.</li><li>2. Cosponsoring conferences and workshops.</li></ol>   |

## **RECOMMENDATION VI: FACILITIES**

**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, AND ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>VI.A.</b>	<b>THE COURT FACILITIES PLAN DEVELOPED BY THE AOC INCLUDE SPACE FOR SELF-HELP CENTERS IN DESIGNS FOR FUTURE COURT FACILITIES, OR REMODELING OF EXISTING FACILITIES.</b> <ol style="list-style-type: none"><li>1. Space for workshops, mediations, and a place where self-represented litigants can sit and work on their paperwork at the court.</li><li>2. Use of copiers, computers and other technology in the self-help centers.</li><li>3. Self-help services that are as close to the counter clerk's office as possible.</li><li>4. An access checklist developed for court personnel that enables them to see the courthouse through the eyes of a first-time user. The tool should consider signage, self-help center location, and other issues self-represented litigants face in navigating the court.</li><li>5. Identification of courtrooms (numbering, etc.) that is focused on helping the public easily find the correct location.</li></ol>
<b>VI.B.</b>	<b>FACILITIES INCLUDE SUFFICIENT SPACE FOR LITIGANTS TO WAIT WHILE CONDUCTING BUSINESS AT THE COURT.</b> <ol style="list-style-type: none"><li>1. Sufficient space should be available while waiting at the court.</li><li>2. Helpful written information, pamphlets, flowcharts can be available to help litigants be better prepared when their turn arrives.</li></ol>
<b>VI.C.</b>	<b>THERE BE SUFFICIENT SPACE AT OR AROUND COURTROOMS TO WAIT FOR CASES TO BE CALLED, TO MEET WITH VOLUNTEER ATTORNEYS, TO CONDUCT SETTLEMENT TALKS, AND TO MEET WITH MEDIATORS AND SOCIAL SERVICES PROVIDERS.</b> <ol style="list-style-type: none"><li>1. Courtroom to have sufficient seating space.</li><li>2. Safe spaces should be provided for domestic violence cases.</li><li>3. Space around courtrooms for conferences with volunteer attorneys, self-help staff, mediators or other social service providers.</li></ol>
<b>VI.D.</b>	<b>FACILITIES INCLUDE CHILDREN'S WAITING AREAS FOR LITIGANTS WHO ARE AT THE COURT FOR HEARINGS OR TO PREPARE AND FILE PAPERWORK.</b> <ol style="list-style-type: none"><li>1. Supervised children's waiting areas should be available for members of the public who are attending court hearings.</li><li>2. Also for parents or guardians attending family court services mediations or utilizing self-help center services or other court services.</li></ol>
<b>VI.E.</b>	<b>INFORMATION STATIONS THAT CAN PROVIDE GENERAL INFORMATION ABOUT COURT FACILITIES AND SERVICES BE PLACED NEAR COURT ENTRANCES.</b> <ol style="list-style-type: none"><li>1. General information about how to find and use court services should be provided.</li></ol>
<b>VI.F.</b>	<b>COURTS PROVIDE MAPS AND SIGNAGE IN SEVERAL LANGUAGES TO ASSIST SELF-REPRESENTED LITIGANTS IN NAVIGATING THE COURT.</b> <ol style="list-style-type: none"><li>1. Include general information about courthouse use.</li><li>2. Signs and information should be translated into several languages &amp; universal signs developed.</li></ol>

## **RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>VII.A.</b>	<b>CONTINUED STABLE FUNDING BE SOUGHT TO EXPAND SUCCESSFUL PILOT PROGRAMS STATEWIDE.</b> <ol style="list-style-type: none"><li>1. Family law facilitators</li><li>2. Family law information centers</li><li>3. Pilot self-help programs</li><li>4. Unified Courts for Families</li><li>5. Equal access funds for partnership grant programs</li></ol>
<b>VII.B.</b>	<b>THE AOC IDENTIFY, COLLECT AND REPORT ON DATA THAT SUPPORT DEVELOPMENT OF CONTINUED AND FUTURE FUNDING FOR PROGRAMS FOR SELF-REPRESENTED LITIGANTS.</b> <ol style="list-style-type: none"><li>1. Uniform statistical reporting from the local self-help centers should be implemented.</li><li>2. Survey local and state legislators about the number of constituent contacts they receive from pro per litigants requesting help.</li><li>3. Collect and compile state and local demographics on poverty and income levels.</li><li>4. Survey community organizations serving the homeless and other disadvantaged groups to identify need for legal assistance.</li><li>5. Judicial Branch Statistical Information System (JBSIS) should include information on whether or not litigants are represented by counsel in all categories of cases. The information should be collected and reported by the AOC.</li></ol>
<b>VII.C.</b>	<b>STANDARDIZED METHODOLOGIES TO MEASURE AND REPORT THE IMPACT OF SELF-HELP EFFORTS CONTINUE TO BE DEVELOPED.</b> <ol style="list-style-type: none"><li>1. Uniform definitions of terms should be established to allow for valid comparisons.</li><li>2. Standardized exit or customer satisfaction surveys should be implemented.</li><li>3. Other evaluation tools should be designed and implemented to test quality of service as well as volume.</li><li>4. Design methods to assess the success of the self-help centers in expediting the processing of pro per cases that will include<ul style="list-style-type: none"><li>○ Surveys of judicial officers</li><li>○ Surveys of court staff</li><li>○ Court operations data</li></ul></li></ol>

## Recommendation VI: Fiscal Impact

### Strategies – continued

<b>VII.E.</b>	<b>UNIFORM STANDARDS FOR SELF-HELP CENTERS BE ESTABLISHED.</b> Criteria for a self-help center must include the following: <ul style="list-style-type: none"> <li>○ Minimum staffing levels,</li> <li>○ Facilities requirements, and</li> <li>○ Operating hours.</li> </ul>
<b>VII.F.</b>	<b>THE FEASIBILITY OF ADDITIONAL REVENUE GENERATING TECHNIQUES, SUCH AS FEES FOR SELECTED SERVICES BY SELF-HELP CENTERS, BE EXPLORED IF APPROPRIATE.</b> <ol style="list-style-type: none"> <li>1. Investigate the possibility of fees for some types of self-help services.</li> <li>2. Must not cost more to administer than the funds that are generated.</li> <li>3. Must not suggest that an attorney-client relationship is being formed.</li> <li>4. Must not restrict access to courts.</li> </ol>
<b>VII.G.</b>	<b>EFFORTS OF THE COURTS TO SEEK SUPPLEMENTAL PUBLIC FUNDING FROM LOCAL BOARDS OF SUPERVISORS AND OTHER SUCH SOURCES TO SUPPORT LOCAL SELF-HELP CENTERS BE SUPPORTED AND ENCOURAGED.</b> <ol style="list-style-type: none"> <li>1. Replicate the success of those counties where the board of supervisors has funded legal self-help centers administered by the courts.</li> </ol>
<b>VII.H.</b>	<b>COURT-BASED FEES BE USED FOR COURT-BASED SELF-HELP SERVICES.</b> <ol style="list-style-type: none"> <li>1. Small claims advisor fees</li> <li>2. Dispute Resolution Program Act (DPRA) funds</li> </ol>
<b>VII.I.</b>	<b>AOC ASSISTANCE WITH GRANT APPLICATIONS AND OTHER RESOURCE ENHANCING MECHANISMS CONTINUE TO BE OFFERED TO LOCAL COURTS.</b> <ol style="list-style-type: none"> <li>1. Help with grant writing and with applications for other grant funding.</li> <li>2. Provide advice on ethical issues in grant application and administration.</li> <li>3. Offer centralized purchasing options to enhance buying power.</li> </ol>

### **RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

#### **THE TASK FORCE RECOMMENDS THAT:**

##### **Strategies:**

<b>VIII.A.</b>	<b>THE IMPLEMENTATION TASK FORCE BE COMPOSED OF EXPERTS IN THE AREAS OF JUDICIAL EDUCATION, COURT FACILITIES, LEGISLATION, JUDICIAL FINANCE AND BUDGETING, COURT ADMINISTRATION AND OPERATIONS, AND COURT-OPERATED SELF-HELP SERVICES.</b> <ul style="list-style-type: none"><li>1. Development and implementation of programs that:<ul style="list-style-type: none"><li>a) Promote expeditious processing of cases involving self-represented litigants.</li><li>b) Provide assistance to self-represented litigants that facilitates that process.</li></ul></li></ul>
<b>VIII.B.</b>	<b>THE IMPLEMENTATION TASK FORCE HAVE REPRESENTATION FROM EXISTING JUDICIAL COUNCIL ADVISORY COMMITTEES.</b> <ul style="list-style-type: none"><li>1. Presiding Judges and Court Executives</li><li>2. Appellate</li><li>3. Family and Juvenile</li><li>4. Civil and Small Claims</li><li>5. Court Interpreters</li><li>6. Traffic</li><li>7. Probate</li><li>8. Budget</li><li>9. Facilities</li><li>10. Technology</li></ul>

## **APPENDIX 1**

### **SELF-REPRESENTED LITIGANT TASK FORCE**

## **TASK FORCE ON SELF-REPRESENTED LITIGANTS**

**HON. KATHLEEN E. O'LEARY, CHAIR**  
Associate Justice, Court of Appeal 4<sup>th</sup> District

**HON. ROSALYN M. CHAPMAN**  
Federal Court Magistrate, United States District  
Court, Central Division of California

**MR. NEAL DUDOVITZ**  
Executive Director, Neighborhood Legal  
Services of Los Angeles County.

**HON. JEREMY D. FOGEL**  
United States District Court,  
Northern District of California

**MR. ANDREW J. GUILFORD**  
Senior Partner, Sheppard, Mullin,  
Richter & Hampton, Costa Mesa

**MR. PASTOR HERRERA, JR.**  
Director, Los Angeles Department of  
Consumer Affairs

**MS. MARILYN K. JAMES**  
Chief Evaluation and Planning Officer, Superior  
Court of California, County of San Diego

**MR. ALBERT JOHNSON**  
Small Claims Advisor, Riverside County

**HON. SUZANNE N. KINGSBURY**  
Presiding Judge, Superior Court of California,  
County of El Dorado

**HON. ALICE A. LYTLE**  
(Ret.) Superior Court of California,  
County of Sacramento

**MR. LEE MORHAR**  
Chief Counsel, California Department of Child  
Support Services

**MR. ROBERT PERSONS**  
Senior Partner, Persons and Miller, Chico

**MS. PAT PFREMMER**  
Law Librarian, Santa Cruz County

**MS. TINA RASNOW**  
Senior Attorney, Self-Help Legal Access Center,  
Superior Court of California, County of Ventura

**MS. ROSEMARY REMACLE**  
Partner, Sevin Rosen Funds

**MR. MARK ROBINSON**  
Senior partner, Robinson, Calcagnie & Robinson

**MS. SHAROL STRICKLAND**  
Court Executive Officer, Superior Court of  
California, County of Butte

**MS. PEGGY THOMPSON**  
Court Executive Officer, Superior Court of  
California, County of San Mateo

**MR. DALE WELLS**  
Family Law Facilitator, Superior Court of  
California, County of Riverside

**HON. ERICA R. YEW**  
Superior Court of California,  
County of Santa Clara

**HON. LAURIE D. ZELON**  
Superior Court of California,  
County of Los Angeles

### **Judicial Council Liaison**

**HON. BARBARA ANN ZÚÑIGA**  
Superior Court of California,  
County of Contra Costa

### **State Bar of California Staff Liaison**

**MS. MARY VIVIANO**  
Director, Legal Services Outreach  
Staff to California Commission on Access to Justice



## **APPENDIX 2**

### **DESCRIPTION OF CALIFORNIA COURTS' PROGRAMS FOR SELF-REPRESENTED LITIGANTS**

## Description of California Courts' Programs for Self-Represented Litigants

California's courts are facing an ever increasing number of litigants who go to court without legal counsel largely because they cannot afford representation. They are responding with a variety of innovative strategies that may be incorporated into an overall strategy of increasing access to justice. This paper attempts to describe the strategies and the context in which they operate.

California has a total of 58 counties and a population of 33,871,648.<sup>1</sup> The counties vary greatly in size and population demographics. The smallest is Alpine County with a population of 1,208, and the largest is Los Angeles County with a population of 9,519,338, approximately one-third of the state's entire population.<sup>2</sup> It takes eight hours to drive from one courthouse to another in one county. There are mountainous counties where litigants can't get from one end of the county to the other during the winter as their roads are impassable in the snow. There are counties with no private attorneys, let alone legal services programs, and counties with a wide variety of resources that with coordination could be much more effective.

The California court system is the largest in the nation with more than 2,000 judicial officers and 18,000 court employees. It also has one of the least complicated structures. There are three levels of courts in California, trial, appellate and Supreme. There is one trial court in each county with from 1 – 55 court locations, six regional appellate courts and one Supreme Court comprised of seven justices.<sup>3</sup> In 1997, funding for the trial courts transferred from counties to the state. In 1998, trial courts, formerly divided into superior and municipal courts consolidated into a one-tier trial court system. Trial court employees changed from being county employees to court employees in 2001. In 2002, the state began to assume responsibility from the counties for trial court facilities.<sup>4</sup> These efforts are intended to build a strong, accessible, statewide system of justice with consistent and adequate funding.<sup>5</sup>

The decision making body for the California state court system is the Judicial Council. The Council is a constitutionally created 27-member policymaking body of the California courts. The Council is chaired by the Chief Justice who appoints 14 judges; four attorney members appointed by the State Bar Board of Governors; 1 member from each house of the Legislature; and 6 advisory members, including representatives of the California Judges Association and court executives (administrators). The council performs most of its work through internal and advisory committees and task forces.

---

<sup>1</sup> U.S. Census Bureau, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), <http://factfinder.census.gov>, 3/10/03.

<sup>2</sup> *id*

<sup>3</sup> See <http://www.courtinfo.ca.gov/reference/documents/cajudsys.pdf> for additional information.

<sup>4</sup> for a history of judicial administration in California see "Committed to Justice: The Rise of Judicial Administration in California" Larry Sipes, published by the Administrative Office of the Courts, 2003 <http://www.courtinfo.ca.gov/reference/commjust.htm>

<sup>5</sup> See <http://www.courtinfo.ca.gov/reference/documents/profilejc.pdf>

The Administrative Office of the Courts is the staff arm of the Judicial Council. It has slightly over 500 employees. Among its divisions is the 55 member Center for Families, Children and the Courts (CFCC) whose mission is to improve the quality of justice and services to meet the diverse needs of children, youth, families and self-represented litigants in the California courts<sup>6</sup> Staff for the Equal Access Unit of the CFCC work to assist the courts in responding to the needs of self-represented litigants.

The reason for this focus is that there appear to be a growing number of litigants representing themselves in family courts, which leads to a variety of challenges. Courts report that many litigants require additional time at the clerks office and in the courtroom as they do not understand the procedures, nor the limitations of the court. There appear to be a growing number of cases which are filed in different types of proceedings. For example, new cases involving the same family may be filed in family law, domestic violence (both civil and criminal), child support, guardianship proceedings – leading to differing results including the potential judicial determination of different fathers. Some areas of the law in California, such as traffic and small claims, have traditionally been composed primarily of unrepresented litigants and have developed mechanisms to provide for informal procedures to diminish the need for legal assistance. The growth of unrepresented litigants in family law is encouraging a rethinking of how self-represented litigants are served by courts throughout the system.

Nolo Press reports that when “How to Do Your Own Divorce In California” was published in 1971, only 1% of litigants proceeded without attorneys.<sup>7</sup> While there is no statewide data on the number of pro se litigants, it is clear that this number has dramatically expanded. In San Diego, for example, the number of divorce filings involving at least one pro se litigant rose from 46 percent in 1992 to 77 percent in 2000.<sup>8</sup> A review of case files involving child support issues conducted by the Administrative Office of the Courts between 1995 and 1997 showed that both parties were unrepresented in child support matters 63 percent of the time, and that one party was unrepresented in an additional 21 percent. In only 16 percent of the cases were both parties represented.<sup>9</sup> In a similar study of case files from 1999, both parties were unrepresented in 75 percent of the cases, and one parent was unrepresented in an additional 14 percent. In only 11 percent of the cases were both parties represented.<sup>10</sup>

In a recent survey of pro se assistance plans submitted to the Administrative Office of the Courts by 45 of California counties, estimates of the pro se rate in family law overall averaged 67 percent. In the larger counties, that average was 72 percent.<sup>11</sup> In domestic violence restraining order cases, litigants are reported to be pro se over 90 percent of the time. One reason for this

---

<sup>6</sup> *Fact Sheet Center for Family, Children and the Courts, Administrative Office of the Courts* 1/03  
<http://www.courtinfo.ca.gov/reference/documents/cfcc.pdf>

<sup>7</sup> *How to Do Your Own Divorce in California*, Ed Sherman, Nolo Press, January 2001, p. 11

<sup>8</sup> *Family Law Information Centers: Benefits to Courts and Litigants*, Deborah J. Chase and Bonnie Rose Hough, in press, *Journal of the Center for Families, Children and the Courts*, to be published December, 2003

<sup>9</sup> *Review of Statewide Uniform Child Support Guideline, 1998*, Judicial Council of California at page ES-5  
<http://www.courtinfo.ca.gov/programs/cfcc/pdf/files/suppguide.pdf>

<sup>10</sup> *Review of Statewide Uniform Child Support Guideline, 2001*, Judicial Council of California at page 39  
<http://www.courtinfo.ca.gov/programs/cfcc/1058files2001/CH3.PDF>

<sup>11</sup> *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System*. Deborah J. Chase and Bonnie Rose Hough, June 2003, in press.

large number of unrepresented litigants relates to the cost of attorney fees which are not publicized, but, in one list of attorneys willing to provide unbundled legal services in one suburban community, appear to range between \$175 and \$225 per hour.<sup>12</sup> The median household income in California was \$47,493 per year in 1999.<sup>13</sup> Given that many persons in the midst of a divorce or separation are already facing financial challenges setting up two separate households and otherwise dealing with financial challenges, these rates often seem prohibitive.

California's Chief Justice, Ronald M. George, has made access to justice a key goal and has been extremely supportive of efforts to improve services to self-represented litigants.<sup>14</sup> He regularly focuses a significant part of his State of the Judiciary address to a joint session of the legislature on access to justice and services for self-represented litigants.<sup>15</sup> He regularly attends events such as the opening of the Spanish Self-Help Education and Resource Center in Fresno.<sup>16</sup> As chair-elect of the Conference of Chief Justices, he has also encouraged the leadership of other chiefs in increasing services to self-represented litigants.<sup>17</sup>

It is clear that the Chief's leadership and support has made a huge difference in encouraging courts to expand services and make this issue a priority. In the strategic planning efforts of the Judicial Council, Access to Justice is the first of six goals. In its three-year operational plan, the Council chose four specific objectives regarding increasing services to self-represented litigants. These included developing a self-help website, increasing the number of self-help centers in the courts, developing a statewide action plan for serving self-represented litigants and having each trial court develop an action plan for serving self-represented litigants.<sup>18</sup>

These planning efforts are designed to focus attention on the issue of access to justice and to encourage community partnerships to build upon a framework of services in place in California. They also are designed to encourage a reexamination of existing resources to consider how to enhance their usefulness for self-represented litigants.

This paper attempts to describe the current structure in place, and identify some future directions suggested by these planning efforts.

---

<sup>12</sup> *Attorneys Available For Consultations with "Pro Per" Family Law Litigants*, Superior Court, County of Placer

<sup>13</sup> U.S. Census Bureau, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), [http://factfinder.census.gov/bf/?\\_lang=en\\_vt\\_name=DEC\\_2000\\_SF3\\_U\\_DP3\\_geo\\_id=04000US06.html](http://factfinder.census.gov/bf/?_lang=en_vt_name=DEC_2000_SF3_U_DP3_geo_id=04000US06.html)

<sup>14</sup> See *Big State, Big Crisis, Big Leadership: With California's poverty population swelling, Chief Justice George sets bold course* Equal Justice Magazine, Spring 2003, Volume 2, Number 1, [http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial\\_profile.htm](http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial_profile.htm)

<sup>15</sup> See for example, *State of the Judiciary* speech, March 25, 2003 <http://www.courtinfo.ca.gov/reference/soj032503.htm>.

<sup>16</sup> See for example, *Remarks at the Opening of Fresno County's Spanish-language Self-Help Education and Information Center* (October 10, 2002) <http://www.courtinfo.ca.gov/reference/speech101002.htm>

<sup>17</sup> See Conference of Chief Justices and State Court Administrators, Resolution 31 – *In Support of a Leadership Role for CCJ and COSCA in the Development, Implementation and Coordination of Assistance Programs for Self-Represented Litigants*. August 2, 2002.

[http://www.ncsconline.org/WC/Publications/Res\\_ProSe\\_CCJCOSCARResolution31Pub.pdf](http://www.ncsconline.org/WC/Publications/Res_ProSe_CCJCOSCARResolution31Pub.pdf). See also Conference of Chief Justices and State Court Administrators *Final Report of the Joint Task Force on Pro Se Litigation*, submitted July 29, 2002, Rockport, Maine

[http://www.ncsconline.org/WC/Publications/Res\\_ProSe\\_FinalReportProSeTaskForcePub.pdf](http://www.ncsconline.org/WC/Publications/Res_ProSe_FinalReportProSeTaskForcePub.pdf).

<sup>18</sup> *Operational Plan, Leading Justice into the Future*, Judicial Council 2001-2003 page 2 and 3 <http://www.courtinfo.ca.gov/reference/documents/opplan2k.pdf>.

## Forms

California has nearly 600 forms that must be accepted by all courts throughout the state. See [www.courtinfo.ca.gov/forms/](http://www.courtinfo.ca.gov/forms/) for a complete list of forms. Forms adopted for mandatory use must be used in those actions, forms approved for optional use must be accepted by the courts although litigants may craft their own pleadings. Many types of cases are completed solely by completing mandatory forms. These cases include: family law, domestic violence, guardianship, probate, juvenile dependency, and landlord/tenant. California has forms for discovery including form interrogatories and requests for information.

Mandatory forms were initially developed in 1971 with the passage of the Family Law Act which instituted no fault divorce. They were designed to assist attorneys and judges fully plead and decide the elements of cases given the major change in the law. The number of variety of forms has increased dramatically since that time. As a result of these standardized forms, instructional materials, document assembly packages and other methods of assisting litigants can be completed economically. These instructions started in 1971 with the Nolo Press publication “How to Do Your Own Divorce in California.” This book, that provides the basics of California family law and explains how to complete the mandatory forms has sold over 800,000 copies and has sparked a large number of other books and now an extensive website: [www.nolo.com](http://www.nolo.com).

The Judicial Council has also developed a variety of instructional materials to assist litigants with understanding the law and court procedures and in completing these forms: Instructional materials range from a 25 page guide to summary dissolution which contains sample forms and a sample agreement (<http://aocweb/forms/documents/fl810.pdf>) to domestic violence forms (<http://aocweb/selfhelp/dv/dvforms.htm#get>).

Since these forms were designed with attorneys and judges in mind, they were not always easy for litigants to read and understand. While the legislature has specifically directed the Judicial Council to develop certain procedures and forms with self-represented litigants in mind (such as the simplified financial statement<sup>19</sup> and simplified modification of order for child, spousal or family support<sup>20</sup>), the same basic format has been used for the last 30 years. In January 2003, the Judicial Council approved its first major change to that format with the adoption of new plain language domestic violence and adoption forms. These forms were designed for those who read at a 4<sup>th</sup> grade level and include graphics, larger type and are designed to be used without attorneys. The Council undertook user testing of these forms with litigants, court staff and law enforcement. For proof of personal service see <http://www.courtinfo.ca.gov/forms/fillable/dv200.pdf>. For a sample order see: <http://www.courtinfo.ca.gov/forms/fillable/dv110.pdf>. Other forms are being revised in areas of law such as landlord/tenant, small claims and child support where many litigants are representing themselves.

---

<sup>19</sup> California Family Code §4068(b) (<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAIISdocID=3388192995+0+0+0&WAIISaction=retrieve>)

<sup>20</sup> California Family Code §3680 (<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAIISdocID=3388653245+0+0+0&WAIISaction=retrieve>)

All Judicial Council forms are now fillable on-line using Adobe Acrobat. Additionally, the website links to programs that help litigants complete forms using a simple question and answer format. These programs include the Superior Court of Sacramento County's e-filing program for small claims litigants: <http://www.apps-saccourt.com/scc/>; EZLegal by the Superior Court of San Mateo County that allows for basic filings in family law, small claims, guardianships and landlord tenant matters (see <http://www.ezlegalfile.com/elf-welcome/index.jsp>); and I-CAN! by Orange County Legal Aid that provide question and answer format as well as video (see [http://www.legal-aid.com/I-CAN/ican\\_demo.html](http://www.legal-aid.com/I-CAN/ican_demo.html)). I-CAN has been evaluated by researchers from the University of California at Irvine and found to be very easy for litigants – even those who did not read English – to use.<sup>21</sup> The Administrative Office of the Courts has provided funding for each of these projects and works with them to increase their effectiveness and availability for statewide use.

## Language Access

224 languages are spoken in California's courts.<sup>22</sup> Of the 32% of Californians who speak a language other than English, nearly one in ten speak no English. 26% of Californians are foreign born. 33% of those are from Asia and 56% are from Latin America.<sup>23</sup> From 1990 – 1998, 1,807,953 people legally immigrated to California from other countries. Estimates of undocumented aliens (principally from Latin American countries) who come to California directly or through other states are as high as 225,000 per year.

When litigants with limited or no English proficiency try to access the court system without counsel, they face significant barriers. However, there is no statutory right to counsel in other than criminal and domestic violence cases due to the implications for loss of liberty. The Administrative Office of the Courts has been working to seek funding for increased availability of interpreters and has been actively involved in increasing the number of qualified interpreters.<sup>24</sup>

Funds are also provided to the courts to pay for interpreter services for low income persons in cases involving domestic violence. This funding is based upon an evaluation of a pilot project where such funds were provided which found that interpreter services proved extremely useful in custody and visitation matters.<sup>25</sup>

All domestic violence forms and instructional materials developed by the Judicial Council are now available in English, Spanish, Vietnamese, Chinese and Korean based upon need for interpreters in other languages. Posters and postcards alerting litigants to this information have been developed and circulated to courts, legal services and social services agencies.

---

<sup>21</sup> *An Evaluation of the Legal Aid Society of Orange County's Interactive Community Assistance Network (I-CAN!) Project* by James Meeker and Richard Uttman, 2002, [http://www.legal-aid.com/I-CAN/ican\\_download.html](http://www.legal-aid.com/I-CAN/ican_download.html)

<sup>22</sup> *Fact Sheet, Court Interpreters*, Administrative Office of the Courts, January 2003, <http://www.courtinfo.ca.gov/reference/documents/ctinterp.pdf>

<sup>23</sup> U.S. Census Bureau, *United States Census 2000*, as reported in *Policy Paper, Language Barriers to Justice in California* in draft by Commission on Access to Justice.

<sup>24</sup> For a description of the efforts including collaboration on training programs see the AOC's website regarding court interpreters at: <http://www.courtinfo.ca.gov/programs/courtinterpreters/>

<sup>25</sup> *Family Law Interpreter Pilot Program, Report to the Legislature*, Administrative Office of the Courts, 2001, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/FLIPP.PDF>



A number of courts have translated materials into different languages to reflect the needs in their community. These materials are now being gathered together on the California courts self-help website that is described below.

## Web Site

On July 1, 2001, the Judicial Council launched an updated version of its comprehensive online Self-Help Center found at [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/) for court users who do not have attorneys and others wishing to be better informed about the law and court procedures. This website provides more than 1,000 pages of information on legal issues that come before state courts with step by step instructions for many common proceedings. It also has over 2,400 links to other resources that provide additional legal information including resources to areas of law, such as bankruptcy and federal claims not covered in state courts. Most Californians (76 percent) use a computer at home, work, or school and 65 percent say they use the Internet.<sup>26</sup>

The site is heavily used as described in the chart below:

Month/Yr	Hits	Views	User Sessions	Avg Time
May-02	1,362,567	358,306	99,328	7:01
June-02	1,396,176	360,541	99,811	7:05
July-02	1,520,421	390,560	99,913	11:13
August-02	1,643,113	440,772	113,244	12:39
September-02	1,529,423	399,666	105,829	13:27
October-02	1,725,080	437,879	116,243	11:40
November-02	1,493,321	377,393	102,394	11:07
December-02	1,482,476	368,539	100,085	11:00
January-03	2,134,175	620,728	128,051	13:04
February-03	2,005,531	702,366	108,967	13:57
March-03	2,064,202	577,798	124,231	12:47
April-03	2,184,476	560,840	129,504	12:42

The entire site was rewritten and redesigned to make it accessible at a 5<sup>th</sup> grade level. A number of features were added including easy access to a service offered by law librarians to assist with basic legal research on-line at no charge. The entire website is being translated into Spanish and the Spanish version of the website will be launched in July, 2003.

A new link will be added at that time for materials available in foreign languages in addition to Spanish to help both litigants and those assisting them, find translated materials easily. AOC staff is now working on templates to assist self-represented litigants in drafting legally enforceable agreements and drafting logical declarations in common cases.

Many local courts have also developed helpful resources for litigants representing themselves. Examples include: Santa Clara: <http://www.scsel service.org/default.htm>; Ventura: <http://courts.countyofventura.org/venturaMasterFrames5.htm>; Los Angeles:

---

<sup>26</sup> Fact Sheet, Online Self-Help Center Q&A, [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/) Administrative Office of the Courts, 1/03 <http://www.courtinfo.ca.gov/reference/documents/selfhelpqa.pdf>

<http://www.lasuperiorcourt.org/familylaw/> and <http://www.lasuperiorcourt.org/probate/index.asp?selfhelp=1>, Sacramento: <http://www.saccourt.com/index/family.asp>, <http://www.saccourt.com/index/ud.asp>, and <http://www.saccourt.com/index/smallclaims.asp>; Stanislaus, <http://www.stanct.org/courts/familylaw/index.html> and Shasta: <http://www.shastacourts.com/familylaw.shtml>.

## Family Law Facilitators

Effective January 1, 1997, Family Code section 10002 established an Office of the Family Law Facilitator in each of the 58 counties. The Judicial Council administers the program, providing over \$11 million per year to court-based offices that are staffed by licensed attorneys. These facilitators, working for the superior court, guide litigants through procedures related to child support, maintenance of health insurance, and spousal support. They assist with cases involving the local child support agency, many of which many are public assistance reimbursement cases. In addition, many courts have enlisted volunteer attorneys or provide additional funding that enables facilitators to assist self-represented litigants in other family law areas, including divorce, custody, and visitation.<sup>27</sup>

By statute, family law facilitators provide services to both parties, do not represent any party and do not form an attorney client relationship.<sup>28</sup> This allows the court to provide assistance to litigants without compromising the neutrality of the court. It also limits the level of assistance that can be provided. “Guidelines for the operation of family law information centers and family law facilitators offices” have been developed to assist court based attorneys in this new ethical paradigm that has been followed by the majority of self-help programs operated in the courts.<sup>29</sup>

Facilitator services are available to all self-represented litigants; the act does not require an income qualification test.<sup>30</sup> “However, data from 2000 indicates that 82% of facilitator customers have a gross monthly income of under \$2,000. Over 67% of facilitator customers have gross monthly incomes of under \$1,500. Over 45% of facilitator customers have gross monthly incomes of under \$1,000 and approximately one-fifth report gross monthly income of \$500 or less.”<sup>31</sup> In 2002, facilitators provided assistance to over 450,000 litigants<sup>32</sup>

---

<sup>27</sup> *California’s Family Law Facilitator Program, a New Paradigm for the Courts*, Frances L. Harrison, Deborah J. Chase, and L. Thomas Surh, *Journal of the Center for Families, Children & the Courts*, Volume 2, 2000 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>

<sup>28</sup> California Family Code §10004 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33172416778+2+0+0&WAIAction=retrieve>

<sup>29</sup> See Appendix V to California Rules of Court, *Guidelines for the operation of family law information centers and family law facilitators offices* <http://www.courtinfo.ca.gov/rules/appendix/appdiv5.pdf>

<sup>30</sup> California Family Code §10003 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33172416778+2+0+0&WAIAction=retrieve>

<sup>31</sup> *California’s Family Law Facilitator Program, a New Paradigm for the Courts*, Frances L. Harrison, Deborah J. Chase, and L. Thomas Surh, *Journal of the Center for Families, Children & the Courts*, Volume 2, 2000, page 76, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>

<sup>32</sup> *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System*. Deborah J. Chase and Bonnie Rose Hough, June 2003, in press.



Family law facilitators provide a range of services based upon the needs in their community and their assessment of what would be most effective.<sup>33</sup> In a survey taken in 1999, all offered assistance with forms and instructions, nearly all provided informational brochures and videos and had staff to answer procedural questions. Two thirds offered domestic violence assistance and nearly one half provided access to copiers, fax machines, and other resources for litigants. “More than half of the facilitators reported that they provided mediation services, in which they meet with both parents and help work out child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators’ methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties).”<sup>34</sup> Since the time of that study, it appears that a growing number of facilitators are providing assistance in court to help answer questions, mediate cases, and provide assistance to the court with coordination, case review, calendar call, and referrals.<sup>35</sup>

The Administrative Office of the Courts offers training twice a year for facilitators in both substantive law as well as practical strategies for serving self-represented litigants. Facilitators are mandated to attend at least one of these training sessions<sup>36</sup> and, as a result of this regular contact and active e-mail discussions, they have developed a strong network.

Since family law facilitators are available in every court, they have formed the backbone of self-help activities throughout the state. By statute, they have to have to be attorneys with family law litigation or mediation experience.<sup>37</sup> They are chosen by the judges in their county and, in a survey taken in 1999, facilitators on average had 12 years of experience of law practice. Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem.<sup>38</sup> Most came from private practice and have good connections with their local bar. As experienced attorneys with the respect of both the bench and the bar, they have been able to alleviate many concerns of the private bar about the program and to encourage changes in local rules and procedures to be more accommodating for self-represented litigants.

---

<sup>33</sup> *Pro Pers Find Help In Family Matters*, Janet Byron, Court News, Judicial Council, July-August, 1998 <http://www.courtinfo.ca.gov/courtnews/07980898.pdf>

<sup>34</sup> *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program*, Administrative Office of the Courts, May 2000, page 43 - <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>

<sup>35</sup> See *Effective Use of Facilitators in the Courtroom* by Sue Alexander and Tom Suhr, Center for Families, Children and the Courts Update, August 2002, Volume 3, Number 2, page 10 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/newsAug02.pdf>.

<sup>36</sup> California Rule of Court 5.35 *Minimum standards for the Office of the Family Law Facilitator* <http://www.courtinfo.ca.gov/rules/titlefive/1180-1280.15-16.htm#TopOfPage>

<sup>37</sup> California Family Code § 10002 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33172416778+2+0+0&WAIAction=retrieve>

<sup>38</sup> *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program*, Administrative Office of the Courts, May 2000, page 34 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>

Customers of the family law facilitators were pleased with the services they had received and reported 99 percent of the time that they would return to the facilitator if they needed help in the future, and that they would refer a friend or family member to the facilitator.

When asked about the quality of service they had received from the facilitator, 96 percent reported that the service was excellent or good.<sup>39</sup> Examples of comments from facilitator customers were:

*“The way the program is presently operated is excellent. There are not many people like you who are willing to help people with our problems the way your program does.*  
[These comments were from an illiterate man who dictated his responses.]

*“While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance.”*

*“Really helped us come to an agreement that both of us were happy with.”*

*“Best service I’ve ever experienced with the judicial system.”*

*“I didn’t know where to go for help and I couldn’t afford an attorney or paralegal, and your office provided me with excellent service...”*

*“She [the paralegal] is a light in a very dark tunnel.”<sup>40</sup>*

The facilitators have also been much appreciated by the courts. As one judicial officer reported in a focus group:

*“Since the facilitator has been in effect...you don’t have these long, long lines at the clerk’s office. You don’t have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost effectiveness most is in the courthouse, in the clerk’s office, in the judge’s courtroom. It’s cutting down time tremendously.”<sup>41</sup>*

These efficiencies have also been helpful in encouraging bar support for the facilitator program. The support of the bench for the program, combined with the recognition that the litigants are generally do not have the resources to hire private counsel and the willingness of facilitators to refer to the private bar when appropriate seems to have greatly diminished initial concern about the program.

---

<sup>39</sup> Satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator

<sup>40</sup> *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program*, Administrative Office of the Courts, May 2000, page 58  
(<http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>)

<sup>41</sup> *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program*, Administrative Office of the Courts, May 2000, page 62.  
(<http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>)

## **Equal Access Fund**

The Equal Access Fund was first created by the Budget Act of 1999 and has been continued in the Budget Acts of 2000, 2001 and 2002. Each of these budgets allocated \$10 million to the Judicial Council to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar (“the commission”). The budget control language provides for two kinds of grants:

- Ninety percent of the funds remaining after administrative costs are to be distributed to legal services programs according to a formula set forth in California’s Interest on Lawyer Trust Accounts (“IOLTA”) statute.
- Ten percent of the funds remaining after administrative costs are set aside for Partnership Grants to legal services programs for “joint projects of courts and legal services programs to make legal assistance available to pro per litigants.”

101 organizations receive support from the Equal Access Fund according to the IOLTA formula.<sup>42</sup>

The Budget Act contains four essential elements for Partnership Grants:

- Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.
- The funds must be granted for joint projects of legal services programs and courts.
- The services must be for indigent persons as defined in the Trust Fund Program statute.
- The services must be for self-represented litigants.

The Partnership Grants span a wide range of substantive, procedural, technical and programmatic solutions. 18 programs have been started in courts throughout the state to assist litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, and general civil assistance. All are required to include the following:

- A letter of support from the applicable court’s presiding judge and the legal services provider’s director.
- Agreements between the legal services programs and the courts. As part of the grant process we require recipients to develop a written agreement with the cooperating court indicating how the joint project, the court, and any existing self-help center, including the family law facilitator as appropriate, will work together.

---

<sup>42</sup> For a list of the organizations funded see:  
[http://www.courtinfo.ca.gov/reference/rfp/documents/eaf\\_grant\\_recip.pdf](http://www.courtinfo.ca.gov/reference/rfp/documents/eaf_grant_recip.pdf)

- Projects must identify plans to provide for lawyers to assist and to provide direct supervision of paralegals and other support staff.
- Projects must establish protocols for use in the event of a conflict of interest, including: what, if any, resources would be available to individuals who cannot be served because of such conflicts; what would be the relationship between the provider and the pro per litigant; and other similar issues.
- Projects must anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services. While this can be a challenge for organizations with limited funding, a number of applicants have developed collaborations with other legal services providers that will facilitate a broad availability of services. These solutions are being studied by the commission for possible applicability to other programs.
- Grant recipients are encouraged to find ways to address the needs of unrepresented litigants who do not meet the financial eligibility requirements (e.g., providing general information in the form of local information sheets, videos, workshops, etc.). Programs that have achieved success in this field are being closely evaluated so that ideas may be gleaned which might be effective for other programs that have yet to establish an effective referrals protocol.
- Projects must clearly state a policy regarding administration of financial eligibility standards, and must establish protocols to observe that policy.

The legislature has required that the Judicial Council report on the efficiency and effectiveness of the Equal Access fund in March, 2005. The Council has hired a researcher to coordinate this evaluation which will include mandatory reporting as well as a toolkit of optional evaluation tools.<sup>43</sup>

## **Family Law Information Centers**

Effective January 1, 1998, Family Code section 15000 established a Family Law Information Center pilot project. in order to help "low-income litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better understand and maneuver through the family court system."<sup>44</sup> The Judicial Council administers three pilot project centers in the Superior Courts of Los Angeles, Sutter, and Fresno Counties. The centers are supervised by attorneys and assist low-income self-represented litigants with forms, information, and resources concerning divorce, separation, parentage, child and spousal support, property division, and custody and visitation. Specific services that are offered by the Family Law Information Centers include:

---

<sup>43</sup> For RFP describing evaluation project see: [http://www.courtinfo.ca.gov/reference/rfp/cfcc\\_eval.htm](http://www.courtinfo.ca.gov/reference/rfp/cfcc_eval.htm)

<sup>44</sup> California Family Code §15000 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=41131628906+0+0+0&WAIAction=retrieve>

- Information regarding the various types and nature of family law proceedings including, restraining orders, dissolution, legal separation, paternity, child support, spousal support, disposition of property, child custody and child visitation;
- Information about methods available to seek such relief from the court;
- Guidance regarding required pleadings, instruction on how to complete them, and information explaining the importance of the information contained in the papers;
- Assistance in the preparation of orders after hearing;
- Information about the enforcement of orders;
- Referrals to community resources such as low-cost legal assistance, counseling, domestic violence shelters, parent education, mental health services, and job placement programs; and
- Interpreter services to the extent available.

Family Code §15010(k) sets out the standards for evaluation of these pilot projects. The legislation states that the programs will be deemed successful if:

- They assist at least 100 low-income families per year;
- A majority of customers evaluate the Family Law Information Center favorably; and
- A majority of judges surveyed in the pilot-project court believe that the Family Law Information Center helps expedite cases involving pro per litigants.

An evaluation of the project was completed in March, 2003.<sup>45</sup> It demonstrated that these programs were a resounding success. The three pilot Family Law Information Centers provided services to more than 45,000 individuals each year using \$300,000 in grant funding and \$120,000 in trial court funding.

Customers were overwhelmingly pleased with the services they received at the Family Law Information Centers. Many wrote narratives expressing enormous admiration for the staff and gratitude for the assistance they received. A survey of 1,364 customers from the period October 21, 2002 to December 31, 2002, had the following results:

- 95% felt they had been treated with courtesy and respect;
- 93% felt the service was helpful;
- 90% got help with forms;

---

<sup>45</sup> Family Law Information Centers: An Evaluation of Three Pilot Programs, by Deborah J. Chase, Bonnie Rose Hough and Carol Huffine, Administrative Office of the Courts, March 2003  
<http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>

- 87% felt they better understood their case;
- 82% felt better prepared to go to court;
- 83% believed they have a better understanding of the court;
- 78% reported receiving prompt service; and
- 92% would use the center again.

Typical comments of customers included:

The Family Law Center has helped me every step of the way. I don't know where I'd be without it. The people are very helpful. I'm a single mom w/ low income and without this Center I would not [have] been able to accomplish everything.

Very helpful and informative. I think more fathers would respond to court orders with the help they can receive. [Service was] very directional and friendly, went through step by step process very quickly and with patience even though she had people waiting.

I am grateful that someone is able to help me understand the court process.

Twenty-four judicial officers in the pilot counties were interviewed to document their evaluation of the Family Law Information Center pilots. These judicial officers also expressed a high degree of satisfaction with the service that the pilots provided to both the public and the court, as follows:

- 88% reported that the center helped expedite cases involving pro per litigants;
- 88% reported that the center saved courtroom time;
- 88% reported that the centers helped litigants provide correct paperwork to the court;
- 75% believed that the center helped the litigants come better prepared to court; and
- 67% believed that the center helped people understand how the law and court procedures were being applied in their cases.

Typical comments from judicial officers included the following:

I often cannot even figure out what a case is about when the paperwork is prepared by a pro per without the help of the Family Law Information Center.

They ask fewer questions, are more informed, and they are better able to stay on point.

They are taking a day off work and we want to minimize that. They have families, sometimes two, to support so we want them to keep their jobs.

They get a fair hearing, they feel confident that they are being heard and getting a fair shake.<sup>46</sup>

The majority of the judicial officers interviewed believe that the Family Law Information Centers save valuable time in the courtroom and expedite pro per cases as a whole. Many also expressed the opinion that Family Law Information Centers are an integral part of managing family law cases because pro per litigants are often the parties in the majority of their calendars. Based upon this evaluation demonstrating that both the needs of the public and those of the court are well served by the centers, the Judicial Council has directed staff to develop a budget request for statewide funding of Family Law Information Centers.

## **Five Model Self-Help Centers**

The 2001 State Budget Act provided funding totaling \$832,000 to begin five pilot self-help centers (“Centers”) which would provide various forms of assistance, such as basic legal and procedural information, help with filling out forms, and referrals to other community resources, to self-represented litigants. This project is aimed at determining the effectiveness of court-based self-help programs and providing information to the legislature on future funding needs. The Judicial Council selected one of each of the five (5) following models for funding beginning May 2002. These five (5) programs will provide models for replication in other counties in addition to translated materials and technological solutions.

### **Regional model: Superior Court of California, County of Butte**

**Goals of the model:** This is a regional program that is intended to serve at least two (2) smaller counties. This model will explore how counties that may not be able to afford a full-time attorney at a self-help center can share resources effectively with other counties. What agreements are necessary? What special challenges exist, and what can be done to overcome them?

**Butte County’s program:** Butte County Superior Court is partnering with Glenn and Tehama counties to provide assistance to self-represented litigants in the areas of small claims, unlawful detainer, eviction, fair housing, employment, SSI, enforcement of judgments, guardianships, name changes, family law issues not addressed by the Family Law Facilitator, bankruptcy, criminal appeals, Marsden-Public Defender substitutions, probate, general civil procedures, tax, tenant housing, and senior law issues. An attorney coordinator will conduct workshops and clinics through the use of real-time videoconferencing, enabling self-represented litigants in three counties to receive assistance simultaneously.

### **Urban collaboration model: Superior Court of California, County of Los Angeles**

---

<sup>46</sup> Family Law Information Centers: An Evaluation of Three Pilot Programs, by Deborah J. Chase, Bonnie Rose Hough and Carol Huffine, Administrative Office of the Courts, March 2003, Executive Summary <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>

**Goals of the model:** This is a program intended to coordinate self-help centers in a large jurisdiction. In some jurisdictions a number of self-help centers operate in or near the court, often with limited communication or sharing of resources. This is likely to lead to duplication of efforts and confusion for litigants. The urban collaboration model seeks to coordinate resources and provide a more seamless service delivery system for litigants.

**Los Angeles County's program:** Los Angeles County Superior Court's program creates a centralized Self-Help Management Center that will develop partnerships with the court, the local bar, local schools, and local social service organizations; coordinate self-help activities on a county-wide basis; and standardize self-help intake procedures and protocols throughout the county. Services rendered by the center include the provision of informational materials about the court and its proceedings and procedures; instructions on how to complete forms; and the provision of reference materials regarding legal service providers, social service agencies, and government agencies, as well as other educational material. Clients can attend workshops or receive one-on-one assistance.

**Technology model: Superior Court of California, County of Contra Costa**

**Goals of the model:** This is a program intended to emphasize the use of technology in providing services. As the number of self-represented litigants increases, technological solutions are being explored for completion of forms, provision of information, meeting with litigants at a distance, and other needed services. This model will utilize and evaluate the effectiveness of at least two (2) methods of utilizing technology to provide services.

**Contra Costa County's program:** Contra Costa Superior Court will combine and deliver expert information and assistance via the Internet, computer applications, and real-time videoconference workshops to create a Virtual Self-Help Law Center for self-represented litigants with dissolution, child custody and visitation, domestic violence, civil, and guardianship cases. Virtual Self-Help Law Center resources will help parties navigate the court process; complete, file, and serve court forms; handle their court hearings; understand and comply with court orders; and conduct certain mediations at a distance.

**Spanish-speaking model: Superior Court of California, County of Fresno**

**Goals of the model:** The large number of Spanish-speaking litigants in California presents special challenges for self-help programs. This model will seek to provide cost-effective and efficient services for a primarily Spanish-speaking population while exploring techniques for educating litigants about the legal issues and procedures in their cases.

**Fresno County's program:** The Spanish Self-Help Education and Information Center developed by Fresno County Superior Court will serve self-represented litigants in the areas of guardianship, unlawful detainer, civil harassment, and family law. The center will provide daily access to Spanish language self-help instructions, establish a volunteer interpreter bureau, provide a Spanish-speaking Court Examiner to review court documents, and sponsor clinics with rotating "how-to" lectures for the areas of law specified above.



## **Multilingual model: Superior Court of California, County of San Francisco**

**Goals of the model:** California has a diverse population with a large group of immigrants and litigants who speak many different languages and have significantly different experiences. This model will seek to provide self-help services to litigants who speak a wide variety of languages and develop materials and techniques to address the needs of a multilingual, multicultural population.

**San Francisco County's program:** San Francisco Superior Court's program establishes a Multi-Lingual Court Access Service Project which will assist self-represented litigants in family law, dependency mediation, probate, small claims, civil harassment, child support, and other general civil cases. The center will create formal partnerships with community-based organizations that provide services to ethnic populations and those that address legal issues for self-represented litigants. A bilingual attorney will work with clients to ensure adequate services for them within the court and provide referrals to appropriate community and legal agencies. Additional services include the translation of court materials, the development of a multi-lingual computerized self-help directory, and recruitment and coordination of multi-lingual interpreters.

### **OBJECTIVES OF THE EVALUATION**

The primary goal of the research is to measure the overall effectiveness of the Centers in several arenas. The Centers may address several or all of the following outcomes.

- *Increased understanding of, and compliance with, the terms of court orders*
- Self-represented litigants, lacking an attorney to explain the system to them, often misunderstand orders made by the court. Self-help centers are expected to better educate self-represented litigants about the legal system and legal procedures so they will be more likely to understand the court orders and the consequences for noncompliance. They will also be more likely to feel the court has been fair in its decision, leading them to take more responsibility in following its orders.
- *Increased access to justice*
- Much of the target population is unable to penetrate the court system due to geographic/transportation and language barriers, financial constraints, and a lack of knowledge and resources. As a result, many people who want to bring their cases to court simply cannot, and others may not even be aware that they have legal recourse. The self-help centers seek to bridge these gaps so that self-represented litigants will be better able to navigate and make proper use of the court system.
- *Increased likelihood of "just" outcomes in cases involving self-represented litigants*
- Many self-represented litigants come to court ill-prepared and do not know how to properly present their cases. As a result, the court may lack information or have inaccurate information upon which to base its rulings. In turn, litigants may not get the outcome they were seeking and end up feeling that the system is unfair. Self-help centers will educate users so that they can present their best case and feel that their voice has been heard.

- *Increased user satisfaction with the court process*
- When self-represented litigants have improved access to the assistance they need, learn how to navigate the court system, and are better prepared to present their cases, the system can respond more appropriately to their needs and they will be more satisfied with their experiences.
- *Increased efficiency and effectiveness of the court system*
- Self-represented litigants often come to court with forms that are improperly filled out, or with the wrong forms altogether. They are uninformed about court procedures and have to ask courts clerks for assistance that should have been solicited prior to court appearance. These types of issues slow down court proceedings and may even cause the matter to be continued. Self-help centers will provide assistance in filling out forms and educate self-represented litigants on procedures so they are better prepared to handle their matters and so their cases will move more smoothly through the system.
- *Increased education for court users so that their expectations are reasonable in light of the law and facts*
- Self-help centers will educate clients on the court system, legal terms, procedures, and their rights and responsibilities. When the mystery is removed from the process, self-represented litigants will have a more realistic view of the merits of their case and potential recourse.

Secondary goals of the research include developing a profile of Center users and determining which services and delivery methods are most helpful/effective.

Though the evaluation is largely intended to measure the impact of the Centers, the fact that these are innovative pilot programs requires that some process evaluation elements be incorporated into the research. This primarily comprises documenting the development of the Centers and tracking changes that might affect outcomes over time; describing program operations, including how the Centers are set up and how services are delivered; and assessing the outreach efforts and visibility of the Centers. Additionally, a key objective of the project is to provide models for replication across the state, so the documentation should be sufficiently detailed to permit replication of the programs in other counties.<sup>47</sup>

## Other Court-Based Self-Help Centers

A growing number of courts have established self-help centers in addition to those provided by statute. These centers generally provide assistance with general civil matters as well as family law. While some partnerships were started between courts and local legal services to provide services in courthouses in the 1980's,<sup>48</sup> the movement to develop these court-based programs

---

<sup>47</sup> For RFP describing evaluation project see: [http://www.courtinfo.ca.gov/reference/rfp/selfhelp\\_pilot.htm](http://www.courtinfo.ca.gov/reference/rfp/selfhelp_pilot.htm)

<sup>48</sup> For examples of some of these early partnership projects with legal services agencies see *California's Family Law Facilitator Program, a New Paradigm for the Courts*, Frances L. Harrison, Deborah J. Chase, and L. Thomas Surh, *Journal of the Center for Families, Children & the Courts*, Volume 2, 2000, page 76, (<http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>); see also California Family Code §§20010-20026 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=59348015726+0+0+0&WAIAction=retrieve>

began in the 1990's<sup>49</sup> and in 1997, the first center that did not involve staffing by a legal services agency was created in Ventura County. None of these programs charge fees for service and all are open too all members of the public regardless of income, immigration status or other common restrictions on services. Restrictions relate to how much assistance they can provide and the types of law covered.

### **Ventura County Self Help Legal Access Center**

The Ventura program<sup>50</sup> has branches at the two main courthouses in the county as well as in a predominantly latino neighborhood and via a mobile center in a converted 35 foot recreational vehicle. The center provides information on a variety of legal issues including:

- Adoption
- Conservatorship
- Guardianship
- Name Change
- Small Claims
- Unlawful Detainer
- Civil Harassment
- Appeals
- Civil
- Jury Service
- Traffic
- Juvenile
- Probate/Estate Planning
- Enforcement of criminal restitution orders
- Modification of probation
- Petition for Change of Plea or Dismissals

The Family Law Facilitator is available in the same location and provides a broad rage of family law assistance including completing forms for litigants. Information is available in the form of books, videos, sample forms with instructions, brochures and legal sites on the Internet. Trained staff is available to provide informational assistance to people needing help understanding the materials or completing court forms. Information is also provided on alternatives to civil litigation.

As the first major civil self-help center in the state, Ventura developed a number of packets and sample forms that are available on its website. These materials have been adapted by other counties. It was also the first center to have a Mobile Center.

---

and §§20030 – 20043 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=59361416970+0+0+0&WAIAction=retrieve> for two very interesting models for legislative creation of pilot programs. These programs helped provide the framework for the family law facilitator program and have merged into that program in the pilot counties.

<sup>49</sup> *Litigants Without Lawyers Find Assistance at Courts*, Janet Byron, Court News, March-April 1998, Judicial Council, <http://www.courtinfo.ca.gov/courtnews/03980498.pdf>

<sup>50</sup> See Ventura Superior Court self help website: <http://courts.countyofventura.org/venturaMasterFrames5.htm>

## **Nevada County Public Law Center**

Another is the Nevada County Public Law Center which was established in March, 2001. The Center is part of a creative public outreach project undertaken by the court to improve access to justice for all members of the community. It provides information to people who are not represented by attorneys and who have any number of general and substantive legal issues, in the same areas addressed by the Ventura program.

Information is available in the form of books, videos, packets, brochures, computer forms, and on-line research and links. Free clinics and classes are held to explain court procedure, as well as substantive areas of law commonly encountered by people representing themselves ("pro per litigants"). Alternate Dispute Resolution (ADR) is offered as an alternative to litigation. A Small Claims Advisor is available to answer questions about small claims actions. In addition, free tours of the Courthouse are offered to those who may have a court matter now or in the future, to insure that they will feel comfortable about their knowledge of the type and location of relevant court services available to them. The Public Law Center is located i in the court's law library. Videoconferencing equipment is used to broadcast workshops offered by local attorneys to other courthouses in this mountainous community.<sup>51</sup>

## **Santa Clara Self Service Center**

Santa Clara County, the home of San Jose and the Silicon Valley started a Self Service Center in 2002. The office is intended to provide the public with a guide to navigate the court system in Santa Clara County. At the Self Service Center, members of the public have access to three computer workstations, which can be used to access legal websites and other law-related resources. An attorney and other staff members at the center are available to help the public. Forms can also be filled out online and then printed. In addition, pamphlets and books are available on topics ranging from divorce to tenants' rights to guidelines for non-parental relatives raising children.

A Self Service CourtMobile travels throughout Santa Clara County, bringing free legal resources and assistance to libraries and community centers within the county. The CourtMobile provides:

- forms and form packets
- computers with Internet access to the court's Self Service website
- a VCR for watching videotapes with legal information
- help filling out legal forms
- help learning about Court rules and processes
- referrals to other legal resources

Information about the program is available at the court's very comprehensive self-help website.<sup>52</sup>

---

<sup>51</sup> See Nevada County Superior Court self help website:

[http://court.co.nevada.ca.us/services/self\\_help/sh\\_services.htm](http://court.co.nevada.ca.us/services/self_help/sh_services.htm)

<sup>52</sup> See Santa Clara Superior Court self help website: <http://www.scselselfservice.org/default.htm>

## Emerging Self Help Programs

A number of smaller counties including Lassen, Mariposa, Lake and Inyo have created self-help centers with implementation funds from planning efforts. Many of these programs are built upon the existing family law facilitator program. New programs are being created in Calveras, Alameda, Marin, and a tri-county effort with Santa Cruz, San Benito and Monterey. Each of these programs emphasize partnerships with other community organizations including legal services programs. They are under the direction of an attorney and also use court staff to help support and provide information. This expansion of services is particularly striking in a time of significant cutbacks in court budgets.

Additionally, the Los Angeles County Board of Supervisors has funded the creation of four new self-help centers in the last two years. Following the Ventura model, they provide both family law and limited civil assistance, primarily in landlord/tenant and small claims matters, these centers are operated by legal services organizations in collaboration with and located at the court.

## Small Claims Advisors

The oldest of California's self-help programs is the Small Claims Advisors Program. This service, created in 1978, provides free assistance to litigants in small claims proceedings. California's small claims court was created in 1921 to provide a fair, fast, and inexpensive procedure for parties to resolve disputes that have a relatively small monetary value. Since 1990, the jurisdictional limit has been \$5,000. Main features of small claims court include:

- Parties represent themselves; attorneys generally are not allowed at trial.
- There is no right to a jury trial.
- The plaintiff has no right to appeal an adverse decision, but the defendant may appeal. Appeals consist of a trial de novo in superior court.
- Third party assignees are not allowed; only the parties directly involved in the dispute may participate in small claims court.
- No unlawful detainer actions [evictions] may be filed.<sup>53</sup>

There is currently discussion of raising the small claims limits in large part "because of the inability of parties to find attorneys who will handle cases between \$5,000 to \$10,000 for a fee that does not eat up all the potential award. It is often even difficult to find attorneys who will take those cases at all."<sup>54</sup>

By statute, counties must provide some level of assistance to small claims litigants, however services may (and do) vary in each county in accordance with local needs and conditions. In

---

<sup>53</sup> *Report of the California Three Track Civil Litigation Study* prepared by Policy Studies, Inc. for the Administrative Office of the Courts, July 31, 2002, page 2

<sup>54</sup> *id* at page 33

each county where more than 1,000 small claims actions are filed each year, the following services must be offered:

- Individual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance.
- Recorded telephone messages may be used to supplement the individual personal advisory services, but shall not be the sole means of providing advice available in the county.

Adjacent counties may provide advisory services jointly. For counties with fewer than 1,000 filings, recorded telephone messages providing general information relating to small claims actions filed in the county must be available during regular business hours and informational booklets must be made available to litigants.<sup>55</sup>

The statute provides that small claims “Advisors may be volunteers, and shall be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party.”<sup>56</sup>

A recent report commissioned by the Judicial Council indicates that there are significant problems with this approach.

“In Fresno there is a small claims advisory center, using law students. The office is not in the courthouse, but rather in another downtown building. Neither of the two law students whom we interviewed had ever seen a small claims trial, although observing trials has now been added to the required training of the advisors. One advisor told us that the law students were not permitted to give legal advice, but merely advice on the process.

“In San Diego there is a small claims advisor’s office attached to the court, run by a full time attorney, with non-attorney volunteers working under him. The volunteers are able to help people with process questions. The supervising attorney is able to assist the volunteers with legal questions.

In San Francisco, there is a full-time small claims advisor in the court and an advisor available full-time by telephone, paid by the court. Both are attorneys. The advisor located in the court sees about 30 litigants per day. Her office is behind the clerk’s counter, and there is a sign-up sheet in the clerk’s area. She can advise on filing, on what will be needed at trial. Under California law the small claims advisors are immune from suit for malpractice.”<sup>57</sup>

---

<sup>55</sup> California Code of Civil Procedure §116.940 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=59414121704+0+0+0&WAIAction=retrieve>

<sup>56</sup> id

<sup>57</sup> *Report of the California Three Track Civil Litigation Study* prepared by Policy Studies, Inc. for the Administrative Office of the Courts, July 31, 2002, page 34-35

As a result of this report, the standards for small claims advisors and judicial officers are being reviewed as part of the discussion of raising the jurisdictional limits.

## Videos

The AOC offers several videos to help the estimated 94,500 self-represented litigants involved in custody mediation each year learn more about family court procedures. The award-winning *Focus on the Child* orients self-represented parents to court procedures, mediation, child custody evaluation, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. The AOC also has developed videos on how to request a domestic violence restraining order and how to respond to a request for a domestic violence restraining order. These videos are available in English, Spanish, Vietnamese, Chinese, and Korean. Additional videos describe how to prepare court forms for an uncontested divorce and how to prepare for a family law hearing. These videos are available in English and Spanish.

Videos developed by local courts have also been adapted for use statewide and are made available by the AOC. These include videos on step by step instructions for completing forms in paternity and divorce cases, an overview of guardianship procedures, a guide to court proceedings in landlord/tenant cases and an orientation to small claims court.

## Additional Self-Represented Litigant Informational Publications

The AOC develops and distributes a wide variety of materials for self-represented litigants. These include:

- *Summary Dissolution Handbook*: Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement.<sup>58</sup>
- *Adoption Information*: A handout on how to prepare adoption forms.<sup>59</sup>
- *Emancipation Pamphlet*: A guide for minors on the process for emancipation.<sup>60</sup>
- *What's Happening In Court? An Activity Book for Children Who are Going to Court in California*.<sup>61</sup>
- *Guardianship Pamphlet*: A guide for adults considering becoming a guardian of a minor.<sup>62</sup>
- *Juvenile Court*: A guide for parents of minors charged with crimes.<sup>63</sup>
- *Dependency Court- How it Works*: A guide for parents whose children in dependency care.<sup>64</sup>

---

<sup>58</sup> Judicial Council form FL-810 (also available in Spanish as FL-811)

<http://www.courtinfo.ca.gov/forms/documents/fl810.pdf>

<sup>59</sup> Judicial Council form ADOPT-050 <http://www.courtinfo.ca.gov/forms/documents/adopt050.pdf>

<sup>60</sup> Judicial Council form MC-301 <http://www.courtinfo.ca.gov/forms/documents/mc301.pdf>

<sup>61</sup> For PDF and interactive versions in English and Spanish see:

<http://www.courtinfo.ca.gov/programs/children.htm>

<sup>62</sup> Judicial Council form JV-350 (also available in Spanish as JV-355)

<http://www.courtinfo.ca.gov/forms/documents/jv350.pdf>

<sup>63</sup> Judicial Council form JV-060: <http://www.courtinfo.ca.gov/forms/documents/jv060.pdf>

<sup>64</sup> Judicial Council form JV-055: <http://www.courtinfo.ca.gov/forms/documents/jv055.pdf>

## **Community Focused Planning Efforts**

The Judicial Council established the Task Force on Self-Represented Litigants in 2001 to coordinate the statewide response to the needs of litigants who are representing themselves. The task force has been developing a statewide action plan on serving self-represented litigants. This work builds on an intensive community focused planning process of the trial courts.

In the spring of 2001, the council sponsored four regional conferences to allow courts to discuss different models for providing self-help services and determine how to best meet the needs of self-represented litigants in their communities. Over 600 persons attended these conferences representing 57 out of California's 58 counties.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included:

- Unbundling legal services
- The changing role of court clerks and law librarians
- Judicial communication and ethics
- Making the courthouse more accessible for self-represented litigants
- Funding for self-help programs
- Alternative dispute resolution programs
- Providing services to non-English speaking litigants
- Court partnerships with the bar and legal services agencies
- Technological resources to help self-represented persons

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups.<sup>65</sup>

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and

---

<sup>65</sup> Binder contents are available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm>.



- What objectives they wanted to focus on first, and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made \$300,000 of Trial Court Improvement Fund available in 2000-2001 to assist courts in developing their action plans. 40 courts applied for and were granted these planning funds. An additional \$300,000 was offered in 2001-2002 and again in 2002-2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected site that is available to court employees throughout the state.

For the courts that developed plans, additional funds were provided for implementation. Projects include those establishing self-help centers in collaboration with local libraries, developing additional information on local Web sites, using computer programs to assist litigants in completing court forms, and reaching out to the community to provide training for volunteers from different ethnic backgrounds on how to assist self-represented litigants.<sup>66</sup>

CFCC is currently developing a series of statewide web-based discussions for those persons involved in the local courts planning committees. These discussions will focus on topics of interest, such as free and low-cost legal assistance, limited scope legal representation (unbundling), technology, and self-help centers. By sharing the most recent information and resources, we hope to promote effective practices and minimize duplication of efforts as well as to maintain momentum for these new programs during lean budget years.

## Education and Training

The Administrative Office of the Courts sponsors a number of trainings for judges, court staff, attorneys, advocates, law enforcement and others who work with unrepresented litigants. One project of the AOC that was specifically aimed at self-represented litigants themselves was aimed at foster parents. It produced an educational booklet "Caregivers and the Courts: a Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers"<sup>67</sup> in English and Spanish to assist caregivers who wish to participate in juvenile court hearings. The booklet gives information about the dependency court process, the law relating to caregiver participation in court hearings, information the court may consider helpful,

---

<sup>66</sup> A short description of each of the implementation projects is available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/grants/selfgrants.htm>.

<sup>67</sup> *Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers*, Judicial Council of California, <http://www.courtinfo.ca.gov/programs/cfcc/pdf/caregive.pdf>

how to decide whether written reports or court attendance is more effective, tips for caregivers who are called to testify in court, de facto parent status, and local court culture.

Additionally, training was provided to foster parents and relative caregivers groups regarding participation in the dependency court process. The training focuses on general legal concepts and the practical aspects of caregiver participation in court. Research was conducted on the impact of that training impacted caregiver participation in juvenile court hearings and outcomes for children in care. The study also began to explore in a qualitative way what factors determine how information from caregivers is or could be used in decision making, and what effects might caregiver participation have on the well being of children in care. The report indicated that the training was very useful for the caregivers and that they were more likely to participate in hearings as a result. Since they often brought critical information about the children to the court's attention, the benefits of the training seemed significant.<sup>68</sup>

## Court Clerk Training

In 2001, the Judicial Council adopted a standard form to be posted in court clerks offices in lieu of other signage regarding legal advice to clarify what assistance court clerks can and cannot provide to unrepresented litigants.<sup>69</sup> This form was based upon the analysis by John Greacen in his seminal article "No Legal Advice from Court Personnel! What Does that Mean?"<sup>70</sup> The basic principles of this approach are that:

- "1) Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.
- 2) Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.
- 3) Court staff cannot advise litigants whether to bring their problems before the court, or what remedies to seek.
- 4) Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.
- 5) Court staff should be mindful of the basic principle that counsel may not communicate with the judge *ex parte*. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision."<sup>71</sup>

A broadcast training has been developed by the Administrative Office of the Courts to help clerks determine the difference between legal information and legal advice and encourage them

---

<sup>68</sup> Caregivers in the Courts: Improving Court Decisions Involving Children in Foster Care, Administrative Office of the Courts, 2002 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CaregiverES.pdf>

<sup>69</sup> Judicial Council form MC-800 *Court Clerks Office Signage*  
<http://www.courtinfo.ca.gov/forms/documents/mc800.pdf>

<sup>70</sup> *No Legal Advice from Court Personnel! What Does that Mean?* John Greacen, The Judges' Journal, American Bar Association, 1995 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab3.pdf>

<sup>71</sup> *ibid*

to be more helpful to the public. The training is one and a half long and includes an introduction by the Chief Justice, presentation by John Greacen on his analysis and a live discussion by court clerks, a judge and attorney regarding taped vignettes featuring court clerks providing legal information.

All California courts now have equipment to receive satellite broadcasts. This enables court staff to receive training and updates without having to travel from their courts. This training was the first offered to court clerks and feedback forms indicated that over 1,000 people watched the supervisor broadcast and 1,500 watched the line clerk broadcast the first weeks it was offered. It's been offered nine times in the last two years.

## **Judicial Training**

California's Administrative Office of the Courts has a nationally respected training arm with long history of providing judicial training. They have offered a number of classes regarding effectively serving self-represented litigants.

AOC staff are currently working to expand the body of research and training resources available for judicial officers regarding self-represented litigants.<sup>72</sup> One article is "Judicial Techniques for Cases Involving Self-Represented Litigants"<sup>73</sup> this spring in the Judges Journal. Other research is being conducted into the procedural justice literature and how it might be used by judicial officers in managing their courts. Another piece is being developed to help judges consider how best to use family law facilitators and other court-based attorneys to assist them in managing a calendar effectively and maintaining a neutral courtroom.

A focus group of judges that are particularly effective with self-represented litigants is being planned to identify techniques and understandings that can be shared. A courtroom observation tool is being developed to identify what types of techniques seem particularly effective from the perspective of the litigants themselves.

Since California has a single trial court system, many judges are transferred to assignments in which they have had no practical experience or legal training. This poses great challenges in a courtroom where neither litigant knows the law either and there are no attorneys to rely on for a clear written or verbal presentation of the facts and law. Training both on the substantive law and on practical skills in managing a courtroom of non-lawyers are critical needs.

## **Limited Scope Representation (Unbundling)**

Limited scope representation is a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to specific tasks

---

<sup>72</sup> See for example web materials on *How Judges Can Communicate Effectively with Self-Represented Litigants*, <http://www.courtinfo.ca.gov/programs/cfcc/pdf/files/SH-tab4.pdf>

<sup>73</sup> *Judicial Techniques for Cases Involving Self-Represented Litigants*, Rebecca A. Albrecht, John M. Greacen, Bonnie Rose Hough, and Richard Zorza, *The Judges' Journal*, Winter 2003, American Bar Association, Volume 42, Number 1 <http://www.zorza.net/JudicialTech.JJWi03.pdf>

that the person asks the attorney to perform. This is also called “unbundling” and “discrete task representation.”

At the request of the president of the State Bar of California, the Commission on Access to Justice established a Limited Representation Committee. The committee was composed of representatives from the private bar and the judiciary, legal ethics specialists, and legal services representatives. Their work was informed by legal research and discussion as well as by a series of focus groups that included private attorneys, judicial officers, legal services representatives, insurance company representatives, lawyer referral service representatives, litigants, family law facilitators, and legal ethics specialists. Focus groups and individual interviews were also conducted with current and potential users of limited scope services.

In October 2001 the committee issued a Report on Limited Scope Legal Assistance With Initial Recommendations.<sup>74</sup> The Board of Governors of the State Bar of California approved those initial recommendations on July 28, 2001. Some of the recommendations, categorized by the committee as “court-related,” called for the committee to work with the Judicial Council to adopt rules and forms.

Limited scope representation helps self-represented litigants:

- Prepare their documents legibly, completely, and accurately;
- Prepare their cases based on a better understanding of the law and court procedures than they would if left on their own;
- Obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and
- Obtain assistance in preparing, understanding, and enforcing court orders.

This assistance can reduce the number of errors in documents; limit the time wasted by the court, litigants, and opposing attorneys because of the procedural difficulties and mistakes of self-represented litigants; and decrease docket congestion and demands on court personnel. In focus groups on this topic, judges indicated a strong interest in having self-represented litigants obtain as much information and assistance from attorneys as possible. They pointed to the California courts’ positive experience with self-help programs such as the family law facilitator program, which educates litigants and assists them with paperwork. These programs, however, cannot meet the needs of all self-represented litigants and, because of existing regulations, must limit the services they can offer.

The Judicial Council adopted recently adopted forms and rules are designed to help facilitate attorneys providing this assistance as called for in the report of the Limited Representation Committee:

- A rule of court that allows attorneys to help litigants prepare pleadings without

---

<sup>74</sup>*Report on Limited Scope Legal Assistance With Initial Recommendations*, Limited Representation Committee of the California Commission on Access to Justice, October 2001  
[http://www.calbar.ca.gov/calbar/pdfs/reports/2001\\_Unbundling-Report.pdf](http://www.calbar.ca.gov/calbar/pdfs/reports/2001_Unbundling-Report.pdf)

disclosing that they assisted the litigants (unless they appear as attorneys of record or seek the award of attorney fees based on such work);<sup>75</sup>

- A form to be filed with the court clarifying the scope of representation when the attorney and client have contracted for limited-scope legal assistance;<sup>76</sup> and
- A simplified procedure for withdrawal for cases when an attorney is providing limited scope assistance.<sup>77</sup>

Some courts in other jurisdictions have expressed concern that providing anonymous assistance to a self-represented litigant defrauds the court by implying that the litigant has had no attorney assistance. The concern is that this might lead to special treatment for the litigant or allow the attorney to evade the court's authority. However, California's family law courts have allowed ghostwriting for many years. Family law facilitators, domestic violence advocates, family law clinics, law school clinics, and other programs and private attorneys serving low-income persons often draft pleadings on behalf of litigants.

Judicial officers in the focus groups reported that it is generally possible to determine from the appearance of a pleading whether an attorney was involved in drafting it. They also reported that the benefits of having documents prepared by an attorney are substantial.

In focus groups, private attorneys who draft pleadings on behalf of their clients revealed that they would be much less willing to provide this service if they had to put their names on the pleadings. Their reasons included:

- Fear of increased liability;
- Worry that a judicial officer might make them appear in court despite a contractual arrangement with the client limiting the scope of representation;
- Belief that they are helping the client tell his or her story, and that the client has a right to say things that attorneys would not include if they were directing the case;
- Concern that the client might change the pleading between leaving the attorney's office and filing the pleading in court;
- Apprehension that their reputation might be damaged by a client's inartful or inappropriate arguing of a motion;
- Concern that they would be violating the client's right to a confidential relationship with his or her attorney; and
- Worry that they may not be able to verify the accuracy of all the statements in the pleading, given the short time available with the client.<sup>78</sup>

The Judicial Council approved the logic that the filing of ghostwritten documents does not deprives the court of the ability to hold a party responsible for filing frivolous, misleading, or deceptive pleadings. A self-represented litigant makes representations to the court by filing a

---

<sup>75</sup> California Rules of Court 5.170 (effective July 1, 2003)

<sup>76</sup> Judicial Council form FL-950 (effective July 1, 2003)

<sup>77</sup> California Rules of Court 5.171, and Judicial Council forms FL-955, FL-956 and FL-958 (effective July 1, 2003)

<sup>78</sup> from Invitation to Comment, Limited Scope Representation, Judicial Council of California, W03-06, Winter, 2003 <http://www.courtinfo.ca.gov/invitationstocomment/documents/w03-06.pdf>

pleading or other document about the accuracy and appropriateness of those pleadings. (Code Civ. Proc., §128.7(b).)<sup>79</sup> In the event that a court finds that section 128.7(b) of the Code of Civil Procedure has been violated, the court may sanction the self-represented litigant. The court could also inquire of the litigant who assisted in preparation of the pleading and lodge a complaint with the State Bar about the attorney's participation in the preparation of a frivolous or misleading document, whether or not his or her name is on the pleading. (See Los Angeles County Bar Association, Formal Opinion 502, November 4, 1999)<sup>80</sup>

Under the new rule, an attorney providing limited scope representation must disclose his or her involvement if the litigant is requesting attorney fees to pay for those services, so that the court and opposing counsel can determine the appropriate fees. Awarding attorney fees when a litigant receives assistance with paperwork or preparations for a hearing may also help encourage attorneys to provide this service. Family Code section 2032 states that the court "shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately."<sup>81</sup> The only counsel many litigants can afford, even with attorney fees awards, is counsel willing to provide limited scope legal services. If a litigant were able to present a case "adequately" through coaching or assistance with preparation of a pleading, an award of fees might also be appropriate.

The Administrative Office of the Courts is also working with the Limited Scope Representation Committee to develop training curricula for judicial officers on the new rules and forms. It has developed an educational piece entitled "Twenty Things that Judicial Officers Can Do to Encourage Attorneys to Provide Limited Scope Representation (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants)"<sup>82</sup>

## Conclusion

As described above, California's courts have developed a large number of programs to increase access to justice for self-represented litigants. Many of these have developed creative solutions to long-standing problems regarding the propriety of the court's providing assistance to litigants, others are building upon technology to provide information, others explore fundamental assumptions about courtroom management. All are directed at the very basic concern raised by California's Chief Justice Ronald M. George in his State of the Judiciary

---

<sup>79</sup> California Code of Civil Procedure §128.7 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=60690128726+1+0+0&WAIAction=retrieve>

<sup>80</sup> *Lawyers' Duties When Preparing Pleadings or Negotiating Settlement for In Pro Per Litigant*, Los Angeles County Bar Association Professional Responsibility and Ethics Committee, Formal Opinion No. 502, November 4, 1999 <http://www.lacba.org/showpage.cfm?pageid=431>

<sup>81</sup> California Family Code §2032 <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=60705328991+1+0+0&WAIAction=retrieve>

<sup>82</sup> *Twenty Things that Judicial Officers Can Do to Encourage Attorneys to Provide Limited Scope Representation (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants)*, Administrative Office of the Courts, 2002, [http://www.unbundledlaw.org/States/twenty\\_things\\_that\\_judicial\\_offi.htm](http://www.unbundledlaw.org/States/twenty_things_that_judicial_offi.htm)

speech in 2001: “If the motto ‘and justice for all’ becomes ‘and justice for those who can afford it,’ we threaten the very underpinnings of our social contract.”<sup>83</sup>

---

<sup>83</sup> State of the Judiciary , delivered by Chief Justice Ronald M. George to a Joint Session of the California Legislature, California, March 20, 2001, <http://www.courtinfo.ca.gov/reference/soj0301.htm>

## **APPENDIX 3**

# **A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA**



# A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA

## CONTENTS

<b>I. INTRODUCTION</b>	<b>75</b>
<b>II. THE ACTION PLANS</b>	<b>78</b>
<b>A. NEEDS ASSESSMENTS</b>	<b>80</b>
1) Access to Legal Information	80
Case Types	80
Size of the Demand for Self-Represented Services in California	81
Most Helpful Kinds of Services	83
• <i>Self-Represented Litigants Surveys</i>	83
• <i>Court Staff Surveys</i>	83
• <i>Judicial Surveys</i>	85
2) Language Access	86
3) Geographic/Distance Access	86
4) Self-Represented Litigants' Income	86
5) Training for Court Staff	88
6) Settlement Assistance	88
<b>B. PROGRAM DESIGNS</b>	<b>89</b>
1) Access to Legal Information and Assistance	89
Staffing Self-Help Centers	89
Service Delivery Methods	91
Legal Representation Referrals	94
2) Usability of the Legal System	95
3) Physical Access to Courthouse Services	98
4) Usability of Courthouse Facilities	100
<b>C. COMMUNITY PARTNERSHIPS</b>	<b>101</b>

<b>III. CONCLUSION</b>	<b>103</b>
------------------------	------------

<b>APPENDIX A</b>	<b>105</b>
Action Plans Summary Chart	

The four Regional Conferences on Assisting Self-Represented Litigants in California in 2001 and this publication were made possible by a grant from the State Justice Institute (SJI-01-N-117), with supplemental funding from the Foundation of the State Bar of California and the State Bar of California. Points of view expressed herein do not necessarily represent the official positions or policies of the Judicial Council of California, the California Administrative Office of the Courts, the State Justice Institute, the Foundation of the State Bar of California, or the State Bar of California.

This is an excerpt from a report entitled “A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system” may be obtained from the Administrative Office of the Courts. The report is also available on the California Courts Web site: [www. courtinfo.ca.gov/programs/cfcc](http://www.courtinfo.ca.gov/programs/cfcc).

## **I. Introduction**

Assistance for unrepresented litigants has become one of the most crucial issues facing the court system as it works to enhance public trust and confidence. This report describes work that, with support from the State Justice Institute, has enabled courts throughout California to engage in community-focused planning to meet this challenge.

In November 1999, the American Judicature Society held a *National Conference on Self-Represented Litigants Appearing in Court*, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team to attend the conference, and others from California participated as speakers. The team developed a draft action plan that was submitted to the American Judicature Society in January 2000, in response to the conference.

Among its recommendations, the action plan called on Administrative Office of the Courts staff to seek a grant from the State Justice Institute to hold four regional conferences in California to encourage trial courts to develop their own action plans for serving self-represented litigants. The regional approach was used because needs and resources vary dramatically among California's 58 counties. California is an extremely large and diverse state. It ranges from Alpine County in the Sierra, with approximately 1,200 residents, to Los Angeles County, with more than 9,000,000 residents. There are counties with no private attorneys, let alone legal service programs, and counties with a wide variety of resources that with coordination could be much more effective. A different type of action plan to serve self-represented litigants is needed for each of these areas.

It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs. It can also be frustrating for large counties to hear about the small number of litigants who must be served in smaller counties. The goal was to provide replicable models and foster the participation of groups of counties with similar demographic issues so that they could talk to each other about what would work in their communities. In addition, by holding regional conferences, the costs of transportation and accommodations were significantly lowered. More people were able to attend and participate in discussions.

The conferences were designed to (1) enable a wide group of participants from each county to learn about some of the cutting-edge thinking about serving unrepresented litigants and (2) provide them an opportunity to hear from programs in other communities with similar demographics. California has numerous court-based self-help programs. These include small claims advisors, family law facilitators, and many legal services or pro bono programs. However, each of these has a different funding source, works with different litigants, and is already operating at breakneck speed - leaving no time to coordinate efforts, consider common issues, or develop a strategy to maximize the combined

resources. The goal was to provide key partners with a common base of knowledge and the time to begin developing an action plan to address the issues.

The grant proposal was funded, and four conferences were held in the spring of 2001. More than 600 persons attended these conferences, representing 57 out of 58 of California's counties. Attendance at the conferences was by invitation only. The Chief Justice sent a letter of invitation to all presiding judges, encouraging them to appoint a diverse team to attend the conference. Each conference was two days long and had a similar format.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included:

- Unbundling legal services
- The changing role of court clerks and law librarians
- Judicial communication and ethics
- Making the courthouse more accessible for self-represented litigants
- Funding for self-help programs
- Alternative dispute resolution programs
- Providing services to non-English speaking litigants
- Court partnerships with the bar and legal services agencies
- Technological resources to help self-represented persons

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups. The binder contents are available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm>.

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first, and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

Evaluations from the conferences were very positive; some stated that it was the best conference that they had ever attended. Others commented that it was the first time they had ever been able to meet with partners in their community and that they were amazed at how much could be accomplished in those discussions.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made \$300,000 of Trial Court Improvement Funds available in 2000 – 2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional \$300,000 was offered in 2001-2002 and again in 2002-2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected site that is available to court employees throughout the state.

This planning effort built on a major initiative launched by Chief Justice Ronald M. George in 1999 toward community-focused court planning to improve public trust and confidence in the courts and provide direction for the courts.

In that planning process, 41 of the 52 courts that submitted plans identified the need for increased access for self-represented litigants. Seventy-three percent of the courts identified at least four strategies for assisting self-represented litigants. Those strategies included self-help centers, informational materials, kiosks or public terminals, information and services through the Internet, expanded interpreting, training of court personnel, and use of lawyers and paralegals to provide information and assistance to self-represented litigants. See [www.courtinfo.ca.gov/programs/cfcc/](http://www.courtinfo.ca.gov/programs/cfcc/) for a synopsis of the plans.

It is clear that the additional information available to the courts from the SJI-sponsored conferences, as well as the increased attention and focus on the needs of self-represented litigants, has led to a much more sophisticated approach to this issue.

The Administrative Office of the Courts is planning an online conference in late spring of 2003 in which self-represented litigant teams throughout the state will share what's been learned, brainstorm about new ideas, and identify ways to sustain the momentum through difficult budget years.

We hope that the following analysis of the action plans submitted to date will enhance the court community's understanding of how services for self-represented litigants can be incorporated into the core of the court's functions.

## II. The Action Plans<sup>1</sup>

California has a total of 58 counties and a population of 33,871,648.<sup>2</sup> As already stated, the counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9,519,338, approximately one-third of the state's entire population.<sup>3</sup> The court in each county was invited to submit a proposal for planning or for implementation of a plan. For purposes of this report, the courts have been divided into five categories defined by the number of judges allocated to each.

Category 1	Smallest	13 counties <sup>4</sup>	0 – 4 judges
Category 2	Small	15 counties <sup>5</sup>	5 – 14 judges
Category 3	Medium	12 counties <sup>6</sup>	15 – 49 judges
Category 4	Large	8 counties <sup>7</sup>	50 or more judges
Category 5	Regional	10 counties <sup>8</sup>	Multi – county proposals

For the most part, the multi-county proposals were submitted by smaller courts. The largest of these 10 courts was the Superior Court of Monterey County, with 18 judges allocated to it. All the other courts in this group have fewer than 15 judges, and 6 of them have fewer than 5.

---

<sup>1</sup> A chart summarizing the proposals is attached at Appendix C.

<sup>2</sup> U.S. Census Bureau, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), <http://factfinder.census.gov>, 3/10/03.

<sup>3</sup> Ibid.

<sup>4</sup> Alpine, Colusa, Del Norte, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, Siskiyou, Trinity, and Tuolumne.

<sup>5</sup> El Dorado, Humboldt, Imperial, Kings, Madera, Marin, Mendocino, Merced, Napa, Placer, San Luis Obispo, Shasta, Sutter, Yolo, Yuba

<sup>6</sup> Contra Costa, Fresno, Kern, Riverside, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Stanislaus, Tulare, and Ventura.

<sup>7</sup> Alameda, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara.

<sup>8</sup> Butte/Glenn/Tehama, Calaveras/Amador, Monterey/Santa Cruz/San Benito, and Nevada/Sierra.

COURT	IMPLEMENTATION PLANS SUBMITTED	STILL IN PLANNING PROCESS	NOTHING PROPOSED
1. SMALLEST	8	2	3
2. SMALL	10	2	3
3. MEDIUM	12	—	—
4. LARGE	7	1	—
5. REGIONAL	8 <sup>8</sup>	2 <sup>9</sup>	—
<b>TOTAL</b>	<b>45</b>	<b>7</b>	<b>6</b>

Since the regional conferences on self-represented litigant assistance, the courts from 52 of California's 58 counties have submitted to the AOC proposals for programs to assist self-represented litigants. All counties with more than 15 judges have submitted proposals for either planning or implementation. Most of the courts have developed plans that they are now working on implementing, but a few are still in the planning stage.



<sup>9</sup> Represents one proposal covering two counties.

## A. Needs Assessments

The local action plan proposals characterized the barriers faced by self-represented litigants by grouping their needs into six basic types: (1) access to legal information; (2) language access; (3) distance/geographic access; (4) income to afford private assistance; (5) training of court staff; and (6) settlement assistance.

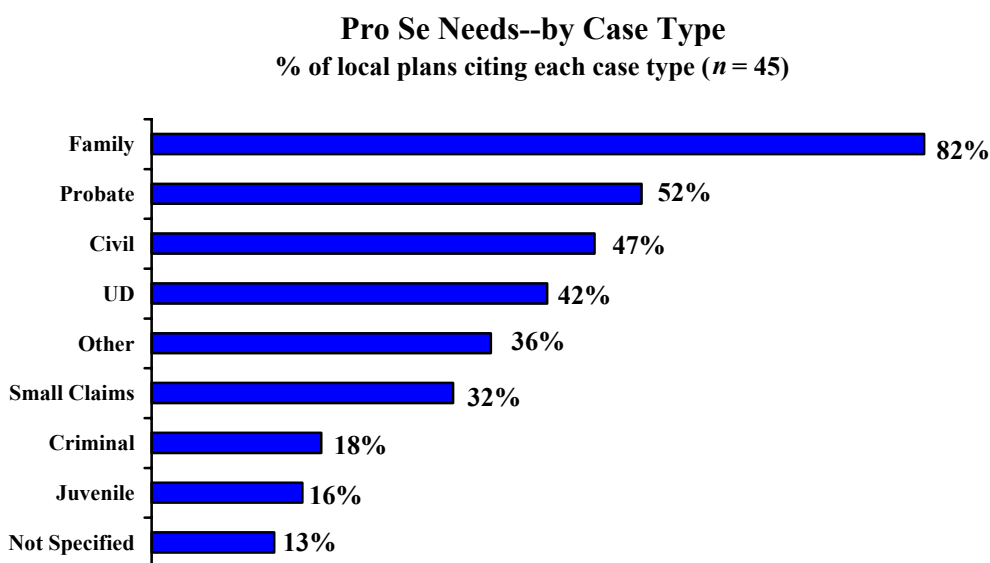
### 1. ACCESS TO LEGAL INFORMATION

Lack of access to legal information for pro se litigants was the central theme in all the action plans that were submitted. Forty-nine percent of the plans specifically mentioned lack of information access in their needs assessment sections; the other 51 percent addressed it in their program designs.

The smallest counties (those with fewer than five judicial positions) expressed this concern more frequently in their needs assessments. These courts also reported a serious shortage of community resources for pro se litigants, particularly legal aid services. This lack of community resources tends to differentiate smaller, rural counties from larger, urban ones. There were no counties with more than 50 judicial positions that expressed a primary concern with a lack of community resources per se. In the large counties, the lack of access to legal information seemed to be attributed more frequently to the enormous numbers of people needing services compared to the size of the available services, and to language barriers.

### Case Types

Most of the local action plans assessed the needs of self-represented litigants in terms of the case types in which they most frequently appear.





All the courts except the largest group reported that the greatest need for services is in the family law area. The largest courts cited unlawful detainer, small claims and civil cases as the ones where self-represented litigants have the greatest needs. The medium-sized and large courts were more likely to cite the need for services in probate guardianship and conservatorship cases. These differences among counties may be related to the greater availability in large counties of community-based services for self-represented litigants in family law. Another significant factor may be the fact that many smaller counties often have only a part-time family law facilitator,<sup>10</sup> or a facilitator funded only to assist with matters of child support. The larger counties have had full-time facilitators and have been better able to provide the additional funding required to allow the facilitators to expand services beyond just child support.

Among the cases making up the “Other” category were bankruptcy, SSI, immigration, appeals, tax, workers’ compensation, and other public benefits.

There were eight counties that reported needing services in the criminal area for self-represented litigants. In seven of these, the assistance proposed was for traffic court matters. One county did not specify the types of criminal cases considered.

Five of the courts that specified needing services in family law cases indicated that they would seek to provide services in other, unspecified civil cases. Six courts did not specify which case types involved the most difficulty for self-represented litigants.

### **Size of the Demand for Self Represented Litigant Services in California**

The only uniform data available about the size of the pro se population in California comes from the California Family Law Facilitator Survey Project.<sup>11</sup>

Although family law facilitators are funded specifically to provide assistance with child support-related issues, many courts have provided additional funding for these programs that allows them to offer assistance with other aspects of family law. The Family Law Facilitator Survey Project gathers uniform data from these programs monthly. Statewide, family law facilitators provided services to 463,680 self-represented litigants in calendar year 2002.<sup>12</sup>

---

<sup>10</sup> Family law facilitators are attorneys who work for the courts, providing information to self-represented litigants with respect to child support. The funding for the family law facilitators limits them to working only on child support-related issues, particularly in title IV-D child support enforcement actions.

<sup>11</sup> Family Law Facilitator Survey Project. Data available at the California Judicial Council, Administrative Office of the Courts, San Francisco (2003).

<sup>12</sup> Some of these litigants used the services of facilitators on more than one occasion.

<b>SELF-REPRESENTED LITIGANTS SEEKING HELP FROM THE FAMILY LAW FACILITATORS (FLFs)</b>					
Action Plan/Planning Counties	Number of Counties	Total Population in 2002 <sup>13</sup>	Percentage of Total Population	Pro Se Litigants Seeking Help From FLFs in 2002	Percentage of FLF Customers in 2002
Smallest < 5 judges	10	291,517	1%	13,608	3%
Small <15 judges	12	1,726,809	5%	32,628	7%
Medium <50 judges	12	8,046,732	24%	129,468	28%
Large 50+ judges	8	22,015,452	65%	246,720	53%
Regional	10	1,167,503	3%	30,312	7%
No Proposals Submitted	6	623,635	2%	10,944	2%
Totals	58	33,871,648	100%	463,680	100%

The 52 courts that have participated in the self-represented litigant action planning process to date cover counties accounting for 98 percent of California's population of almost 34 million people. The family law facilitators in these counties account for 98% of those customers seeking help from facilitators statewide in family law matters. In the action-planning counties, the total number of self-represented litigants seeking help in family law matters from the facilitators in 2002 was 452,736.

California also funds three Family Law Information Centers located in three of the action-planning counties. In fiscal year 2001 – 2002, these Family Law Information Centers served 45,000 self-represented litigants in family law matters not covered by local family law facilitators.<sup>14</sup>

It was anticipated in all action plans that the number of self-represented litigants seeking help in family law matters would be very great. Twenty of the 45 action plans estimated the percentages of self-represented litigants in their family law courts. Those estimates ranged from 31 percent to 95 percent. The mean was 67 percent.

Less information was available about the demand for services for self-represented litigants in other areas of civil law. Los Angeles County estimated that it had 282,000 filings per year by self-represented litigants.

<sup>13</sup> U.S. Census Bureau, *United States Census 2000*, Summary File 1; (<http://factfinder.census.gov>, 3/26/03).

<sup>14</sup> Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California (March 2003), <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>

Five of the action plans estimated the percentages of self-represented litigants in unlawful detainer cases. Those estimates ranged from 13 percent to 95 percent. The mean was 34 percent.

Five of the action plans estimated the pro se rates in their probate departments. Those estimates ranged from 6 percent to 55 percent. The mean was 22 percent.

Ten of the action plans estimated the percentage of pro se litigants appearing in their civil departments, both limited and unlimited. Those estimates ranged from 6 percent to 50 percent. The mean was 16 percent.

One court estimated that 40 percent of juvenile dependency litigants appear without attorneys.

### **Most Helpful Kinds of Services**

**Self-Represented Litigant Surveys.** Six of the courts conducted surveys of self-represented litigants asking them what sorts of services they believe are most useful to them. The choices were (1) staff to answer questions; (2) written instructional materials; (3) Web/Internet assistance; (4) referrals to attorneys; and (5) unspecified other types of assistance.

In all six surveys, litigants rated the availability of staff to answer their questions as the most valuable service. Likewise, in a recent study of three pilot family law information centers in California in which self-represented litigants were similarly surveyed, they responded that staff to answer questions was the most helpful service they had received.<sup>15</sup>

In the six action plan surveys, litigants rated written materials, such as forms with instructions and informational brochures, as the second most helpful type of assistance.

The litigants rated assistance on the Internet as third most helpful.

An equal number of survey respondents rated attorney referral and other unspecified services as fourth and fifth most helpful.

**Court Staff Surveys.** Three courts interviewed their staffs to assess the needs of pro se litigants. Interestingly, the clerks did not agree with the litigants on the priority of staff to answer questions. None of the court staffs rated this as the most desirable service for the court to offer to pro se litigants. Instead, all three groups ranked written materials, such as

---

<sup>15</sup> id

forms with instructions and informational brochures, as most important for the court to offer.

Two groups ranked other forms of self-help (a walk-in self-help center and Web site information) as the second most important service to offer. Only one group ranked staff to answer questions as the second most important court service to pro se litigants.

Two groups ranked staff to answer questions as third in priority. One ranked attorney referral services as third.

The differences in perception between the self-represented litigants and the court staffs is interesting. Even more interesting are the responses of the court staffs when compared to their other answers about the sorts of information self-represented litigants most frequently requested from them. Two of the three court staff groups responded that pro se litigants most frequently asked for information about their legal options. One group reported that they were most commonly asked for forms; however, information about legal options was a very close second. These are not questions that seem easily addressed without knowledgeable staff available to answer questions. This seeming contradiction may be related to how court clerks have traditionally been trained with respect to answering questions from the public. In most cases, the traditional position is that clerks should not answer the public's questions for fear of inadvertently giving erroneous information or crossing a line into legal advice. Without a clear definition of which answers are information and which are advice, the position has been to simply refrain from answering any questions.

Staffs in three courts were asked what they felt was the most frustrating aspect of their jobs with respect to pro se litigants. In all three surveys, the court staffs responded that having to refuse to answer questions for pro se litigants when they knew the answers was the most frustrating. Also, in all the surveys, the court staffs responded that the most rewarding aspect of their jobs was feeling that they had been helpful to a litigant and that the litigant was appreciative of the help.

The frustration of court staffs in dealing with self-represented litigants may also express itself in the way responsibility for difficulties is attributed. For example, court staff members in the two surveys were asked what the greatest obstacles were for a pro se litigant outside the courtroom. In one of the groups, respondents seemed ready to place responsibility on the self-represented litigants for much of their own difficulties with the court. Here are some examples of their responses:

- a. Self-represented litigants are unable to follow directions.
- b. Self-represented litigants don't understand the legal procedures.
- c. Self-represented litigants are hostile.
- d. Self-represented litigants are unwilling to seek outside legal advice.

Asked what the obstacles inside the courtroom were, they responded:

- a. Self-represented litigants don't pay attention.
- b. Self-represented litigants don't understand the law.
- c. Self-represented litigants don't understand why they are in court.
- d. Self-represented litigants don't know how to present information.
- e. Self-represented litigants are late for court.

Responses such as these were more frequent from staff members in the largest courts. Those are the courts where the enormous numbers of pro se litigants can be routinely overwhelming to the court staffs.

One study of judges may have relevance to this situation. It was found that when judges felt unable to spend adequate time hearing a case due to large caseloads and felt as if they were simply processing people, there was a tendency for these judges to withdraw their empathy and respect for the litigants.<sup>16</sup> The frustration of these judges is not dissimilar to that common among court staffs and may contribute to an array of negative perceptions of the pro se population. Insufficient staffing can add greatly to the frustration of both court personnel and the public.

**Judicial Surveys.** One court conducted a survey of its judicial officers with respect to the needs of pro se litigants. The judges who responded to that survey agreed with the self-represented litigants that the most helpful assistance was the availability of staff to answer questions. The second most helpful type of service was written materials, such as forms with instructions. The judges also reported that the type of information pro se litigants requested most frequently from them was information about their legal options.

In accord with the judges in this survey were 24 judges who were surveyed as part of the recent evaluation of the three pilot Family Law Information Centers. These judges were on family law assignments in all three counties. When asked what services they thought were most beneficial to the litigants, they reported that, aside from improvement in paperwork, having staff to answer their questions was the most beneficial to the litigants. Comments included:<sup>17</sup>

- “It gives the litigant the ability to sit down with someone who can provide guidance.”
- “It is important that they have a live person who pays attention to them and provides accurate information.”

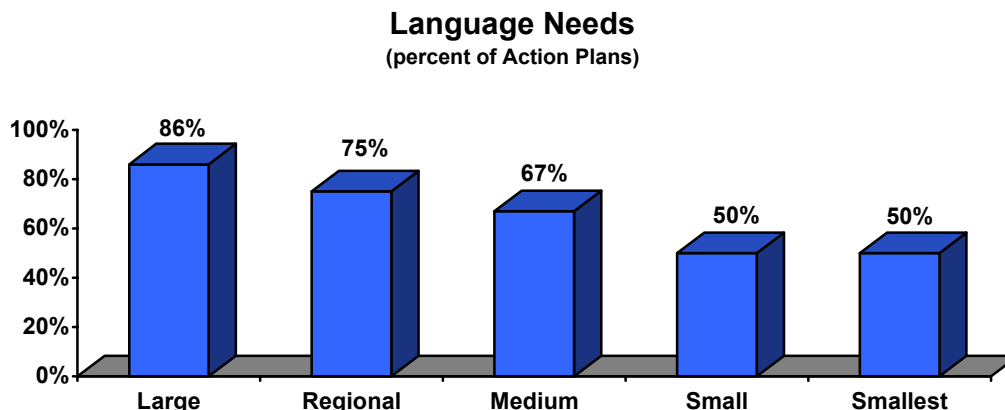
---

<sup>16</sup> I. M. Zimmerman, Stress—What It Does to Judges and How It Can Be Lessened (1981) 20. *Judges Journal*, 4 – 9.

<sup>17</sup> Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>

## 2. LANGUAGE ACCESS

All of the action plans mentioned the need for language access—translation of written materials, videos, and other self-help materials into a variety of languages. The non-English language mentioned most frequently was Spanish.



Twenty-nine of the local action plans (64 percent) cited language in the needs assessment as a particularly important barrier for the self-represented litigants in their courts. Among the largest courts, 86 percent of the plans cited language access as a pressing need for the public.

The percentage of action plans citing language access in the needs assessment section increased with the size of the court responding. After large courts, the next largest percentage of action plans citing language access as a primary need came from the regional court groups, followed by the medium sized courts. The courts with fewer than 15 judicial positions were less likely to cite language barriers in their needs assessments.

## 3. GEOGRAPHIC/DISTANCE ACCESS

Twenty-six (58 percent) of the local action plans described serious problems self-represented litigants have in getting to locations where services are available.

Most of the counties that cited geographic difficulties proposed either physical helps, such as outpost facilities, mobile vans, or transportation to the courthouse, or the use of communications technology, such as telephone help lines, video-conferencing, or Web-based information systems. Most of the proposed solutions involving the physical helps came from the medium and large courts. Smaller courts tended to rely more heavily on technological solutions.

## 4. SELF-REPRESENTED LITIGANTS' INCOME

Nineteen of the 45 local action plans (42 percent) specifically referred to self-represented litigants' lack of financial resources. This lack was cited more often in the needs

assessments of the smaller counties (50 percent). All of the smaller counties that cited a shortage of available community resources also cited a lack of money as a barrier to legal information for the pro se population. Two of the three regional plans also cited a lack of money as a serious pro se issue. The large (29 percent) and medium (25 percent) counties cited lack of money for pro se litigants in their needs assessment sections somewhat less often

This concern about the lack of money available to the pro se population is supported by demographic data from the family law facilitator survey project published in 2000:

Overall, 82 percent of facilitator customers have a gross monthly income of under \$2,000. Over 67 percent of facilitator customers have gross monthly incomes of under \$1,500. Over 45 percent of facilitator customers have gross monthly incomes of under \$1,000, and approximately one-fifth report gross monthly income of \$500 or less.

In Los Angeles County, 77 percent of the customers report gross monthly incomes of under \$2,000. Approximately 62 percent of Los Angeles customers report gross monthly incomes of under \$1,500, 35 percent have incomes under \$1,000, and 23 percent report incomes of \$500 per month or less.

Rural counties, particularly in Central California, with populations between 100,000 and 499,000, report the highest percentages of customers with incomes under \$1,000 per month. Over 50 percent of facilitator customers in these counties report incomes that fall within this range. The highest percentages of monthly incomes of \$500 or less were also reported in these counties.

Only 18 percent of facilitator customers overall have gross monthly incomes of over \$2,000. The highest percentages of those reporting gross monthly incomes between \$2,000 and \$3,000 per month are in urban counties (11.9 percent) and counties with populations over 1 million (12.7 percent) in both Southern California and the Bay Area. Los Angeles reports that 15 percent of its customers are in this income group. Only 6.8 percent of customers report gross monthly incomes of over \$3,000. The highest percentages in this category are reported by counties with populations between 500,000 and 1 million (7.9 percent), primarily in the Bay Area (11.2 percent) and in Los Angeles County (8 percent). This suggests that facilitators in areas where the cost of living is higher and legal representation is more costly may see more individuals in this category. Nevertheless, in all but two Bay Area counties where the cost of living is extremely high, over 90 percent of facilitator customers had gross monthly incomes under \$3,000.

For the most part, facilitator customers are not likely to have income sufficient to afford full-service legal representation; however, their incomes may be just high enough to make them ineligible for assistance from Legal Services Corporation or IOLTA-funded legal services programs.<sup>18</sup>

---

<sup>18</sup> Harrison, F., Chase, D., Surh, T. (2000) California's Family Law Facilitator Program: A New Paradigm for the Courts, *Journal of the Center for Families, Children & the Courts*, Vol. 2, p. 76

In 2003 another cohort of self-represented litigants in family law was studied as part of an evaluation of three pilot Family Law Information Center programs. In that study, it was again reported that the majority of litigants had gross monthly incomes below \$2,000. In the three counties studied, the percentage of self-represented litigants with incomes under \$3,000 per month greatly exceeded the percentage of the general population with such incomes in those counties, according to the 2000 U.S. Census. The study also found that approximately 80 percent reported not being able to afford an attorney. Approximately half had tried to get help elsewhere and had been unsuccessful.<sup>19</sup>

## **5. TRAINING FOR COURT STAFF**

Fourteen of the local action plans (31 percent) cited lack of training of court staff as a serious problem for self-represented litigants. None of the small or smallest counties mentioned this in the needs assessment. One of the regional plans mentioned lack of staff training in its needs assessment. Eight (67 percent) of the local action plans from medium-sized counties and three (43 percent) from the large counties cited training as a serious issue.

Two of the large courts that conducted staff surveys asked staff members about the manner in which they were trained. The choices were: (1) “learn as you go,” (2) verbal instructions from supervisors, and (3) written policies and procedures. In both counties the majority of court staff reported that they were trained by the “learn as you go” method. In one of the counties, only 41 percent of the responding staff felt very confident that they understood how much help they could actually give a pro se litigant. In the other county, 42 percent either were not confident they understood how much help they could give a pro se litigant or felt confident but would like more training.

## **6. SETTLEMENT ASSISTANCE**

Thirteen of the local action plans (29 percent) mentioned the lack of services available to help self-represented litigants reach agreements in their cases. The small and medium-sized counties were most likely to cite lack of settlement services in their needs assessments. Half of these went on to include settlement/mediation services in their program designs. One of the regional plans mentioned lack of settlement services but did not include a settlement component in its program design. None of the large counties mentioned lack of settlement services in the needs assessment; however, one of the large counties did include it as part of the case management component in its program design.

---

<sup>19</sup> Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>



## **B. Program Designs**

The development of services to make legal information and education available to the public was the primary concern in all the action plans, but it was not the only concern. Assessments of the needs of self-represented litigants led the 45 courts that submitted action plans to design assistance programs around four strategic access-to-justice concerns:

- a. Access to legal information and assistance, including legal representation;
- b. Usability of legal systems;
- c. Physical access to courthouse services; and
- d. Usability of courthouse facilities.

Each group of courts, regardless of size, addressed these four areas to some degree.

### **ACCESS TO LEGAL INFORMATION AND ASSISTANCE**

The areas of the law in which the local action plans proposed providing services reflected those set out in the needs assessments, with family law being the largest category. Forty-two (96 percent) of the 45 action plans proposed the establishment or extension of a self-help center, with staff to answer the questions of self-represented litigants. One of the small courts and two of the medium-sized courts proposed self-help-only services, without staff to assist.

The small court that proposed self-help-only services planned to provide those services in outposts in the community. Service delivery would consist of written and technological vehicles, including forms with written instructions, educational brochures, videos, computers, the Web, and a telephone tree.

The two medium-sized courts that proposed self-help-only services also planned to provide those services outside the courthouse, in the community. One planned to use a mobile van. Both plans provided for instructional materials, computers, kiosks with interactive forms, and videos. One plan included a telephone tree, and another proposed educational programming on cable television.

### **Staff-Assisted Self-Help Centers**

Staffing strategies for the self-help centers did not vary much among the counties. Thirty-three (79 percent) of the 42 plans proposing self-help centers with staff to answer questions structured the staff around attorneys. Their staff descriptions also included paralegals, legal assistants, court clerks, law students, and resource coordinators.

For the most part, the action plans provided for attorney supervision of the non-attorney staff. Only four counties proposed using paralegals or legal assistants without attorney supervision. Each size category had one of those four. Two of the smaller counties

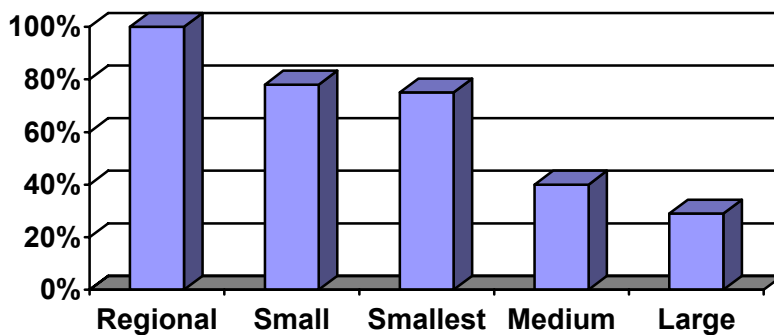
proposed using court clerks in its self-help center, without attorney supervision. Two courts proposed using resource coordinators without attorney supervision, but these individuals were simply intended to provide referrals to other service providers. All of the plans that proposed staff in the “other” category also proposed attorney supervision. The use of attorneys and attorney supervision did not seem to vary according to court size.

<b>Proposed Staffing Structures</b>								
<b>Counties</b>	<b>Number of Counties With Staff</b>	<b>Type of Staff Proposed</b>						
		<b>Attorney Supervisors</b>		<b>Paralegal/ Legal Assistant</b>	<b>Court Clerk</b>	<b>Law Student</b>	<b>Resource Coordinator</b>	<b>Other</b>
		No. of Plans	% of Plans	No. of Plans	No. of Plans	No. of Plans	No. of Plans	No. of Plans
<b>Smallest</b> < 5 judges	8	6	75%	4	3	0	1	0
<b>Small</b> <15 judges	9	9	100%	3	4	0	1	2
<b>Medium</b> <50 judges	10	5	50%	4	3	0	1	2
<b>Large</b> 50+ judges	7	5	71%	1	0	0	1	4
<b>Regional</b>	8	8	100%	0	0	3	0	5
<b>Totals</b>	42	33	79%	12	10	3	4	13

The “other” category includes small claims advisors, interpreters, individuals to walk self-help litigants with special needs through the entire court process, and various volunteers from the community.

There was variation, however, in whether and how the counties proposed to expand the services of their family law facilitators’ offices. Twenty-seven (82 percent) of the 33 counties planning to provide attorney assistance proposed expanding their family law facilitators’ offices. Some of the plans sought to expand the facilitator services to include matters other than child support. Others were simply seeking to increase existing facilitator services from part-time to full-time. The fact that the smaller counties were more likely to propose expansion of the family law facilitator services probably reflects a number of courts with only part-time facilitator services. One of the large courts included expansion of the facilitator service to provide case management and settlement conference services in family law. Several plans proposed building their self-help centers upon the foundations already established by the family law facilitators and expanding that service to provide assistance in all areas of civil litigation.

**Expand Family Law Facilitator**  
(percentage of staffing plans)



### **Service Delivery Methods**

**Individual Assistance and Workshops.** The most frequent method proposed for providing legal information and education was the use of staff to answer questions. Twenty-eight (67 percent) of the 42 plans proposing staffed self-help centers envisioned delivery of this service through one-on-one communication. They proposed that staff be available in the self-help centers to help with the completion of correct paperwork and give information about court procedures throughout the process, from filing until judgment.

Another 14 (33 percent) of the courts proposing staffed programs planned to provide legal information and education through the use of workshops and clinics. Two of the three regional plans included workshops. Seven of the smallest and small courts also proposed conducting workshops.

None of the medium-sized courts and only one of the large courts proposed using workshops to provide legal information and assistance. In the large counties, this may reflect the fact that the action plans tend to focus on unlawful detainer and other civil litigation matters. Workshops are less optimal in time-sensitive matters such as answering unlawful detainer actions. Also, other civil matters do not have the same types of legal and procedural uniformity found in many family law matters. Workshops are less effective for groups with a wide diversity of issues.

**Telephone Assistance.** Nine (21 percent) of the action plans proposing staffed self-help centers also proposed a telephone help line to provide legal information and education to the public. All size categories except the smallest included at least one plan that proposed access to legal information by a telephone line answered by staff. Two of the regional plans included telephone access to legal information. One small county and one large

county also proposed making telephone assistance available. Two of the medium-sized county plans included help lines.

**Courtroom Assistance.** Ten (24 percent) of the local action plans proposing staffed self-help centers put forward the idea of using staff to provide assistance either in or near the courtroom. Specific courtroom services that were mentioned included providing procedural information to the litigants who were there for a hearing, conducting settlement negotiations on financial matters, and preparing orders after hearings. There were two action plans each from the small and medium counties and one regional plan that proposed one or another of these services.

Only one of the smallest counties included courtroom assistance in its action plan. That plan proposed providing compliance assistance to self-represented litigants by explaining court orders and helping them obtain court-ordered services, such as batterers' intervention, parent education, or supervised visitation.

Two of the large counties proposed courtroom assistance. One plan included family law facilitator staff to conduct case management conferences in addition to other courtroom assistance. The other large county plan included the provision of staff to accompany litigants with special needs to their court hearings and to help them obtain court-ordered services.

**Written Materials.** Thirty-two (71 percent) of the action plans specifically mentioned the use of written materials to instruct self-represented litigants in forms completion and basic court procedures. Written materials mentioned included forms packets with instructions, self-help books, procedural flowcharts, and easy reference cards. Also mentioned were instructional audiotapes and general information brochures about the court and how it operates. All three of the non-staffed plans relied heavily on such materials to assist the public. Twenty-nine (69 percent) of the courts proposing staff also proposed the use of written materials to supplement their services. Written materials were a major strategy for supplying language access. Most materials were planned to be translated into two or more non-English languages.

**Use of Technology.** All three of the action plans proposing self-help-only service centers also proposed various kinds of technology to assist the public. In addition, more than 90 percent of the 42 plans proposing staffed self-help centers also included technological strategies. The technology proposed by the local action plans fell into two major categories. First was technology intended to support and facilitate communication between self-represented litigants and staff. The second category was technology designed for use by litigants alone, without the necessity of staff.

*Communication With Staff.* Of the 42 action plans proposing staffed self-help centers, 38 (90 percent) proposed the use of technology, and 18 of those (47 percent) included technological ways by which communication between self-represented litigants and staff could be facilitated.

- *Telephone help lines.* As already discussed, 9 (21 percent) of the plans proposing staffed self-help centers also proposed implementing telephone help lines that would be answered in real time by the centers' staff. It is important to differentiate these help lines from telephone trees in which no live person would be available to answer individual callers' questions.
- *Videoconferencing.* Eight (19 percent) of the 42 counties with staffed action plans proposed using videoconferencing to connect litigants from more remote areas with staff at the self-help centers. Two of the smallest county plans and two of the regional plans proposed using videoconferencing technology to conduct workshops for the public. One plan each from the small and medium courts also proposed using videoconferencing to help staff assist the public. There were also two video-conferencing proposals from the large counties. In one of those plans, videoconferencing was proposed for conducting child custody mediations, and in the other it was to be used to conduct hearings for nonresident litigants.
- *Fax or e-mail.* One of the small courts proposed using the fax transmission to assist with forms completion for customers who could not make it to the court. One of the regional plans proposed answering questions for the public by e-mail.
- *Computer networking.* One of the smallest counties and two of the medium counties proposed creating a networking system between the court and community service providers. One of those in the medium courts also planned to develop a touch-screen referral network to help litigants contact service providers directly from the courthouse.
- *Other communication technology.* One of the medium-sized courts planned to use a telephone interpreter service to address language issues. One regional plan mentioned communication technology without further specification. Two plans proposed giving educational presentations on local cable television channels.

*Self-Help-Only.* Forty (93 percent) of all the action plans proposed the use of self-help-only technology. All three of the counties whose action plans did not include the use of staff to answer questions proposed the use of self-help-only technology. Thirty-seven (88

percent) of the 42 plans proposing staff also included self-help-only technology to provide additional assistance.

- *Computers available to the public.* All of the plans without staff and 31 (74 percent) of the ones with staff specified that they will have computers available for the public to use.
- 1. Online assistance—One of the two medium-sized counties proposing non-staffed self-help centers proposed giving self-represented litigants online computer assistance with forms completion. Twenty-one (50 percent) of the plans with staff also included online assistance for the public.
- 2. Website expansion—The two medium-sized courts proposing non-staffed programs indicated that they intended to expand their court web sites to provide more information to self-represented litigants. Nineteen (45 percent) of the plans with staff included expansion of court web sites to provide more information.
- 3. Interactive forms programs—Two of the plans without staff and 12 (29 percent) of the plans with staff proposed the use of interactive forms programs to help self-represented litigants with paperwork.
- *Kiosks.* Two of the 3 plans without staff proposed the use of kiosks to help litigants fill out forms. The kiosks would contain interactive forms programs that include instructions. Sixteen of the programs with staff also proposed the use of kiosks, particularly in outpost locations. Eleven of these 16 plans proposed using kiosks in locations such as mobile vans, libraries, domestic violence shelters, or other community service locations.
- *Videos.* Two of the three plans without staff propose making instructional videos available to self-represented litigants. Seventeen (41 percent) of the plans with staff also included the use of instructional videos.
- *Telephone trees.* All three of the plans without staff proposed the use of telephone trees to deliver information to litigants. One of the regional plans suggested a 24-hour telephone tree service. None of the other staffed plans proposed the use of telephone trees.

### **Legal Representation Referrals**

The majority (71 percent) of the action plans did not address the issue of full-service legal representation for self-represented litigants. The collaboration with local bar associations in most plans focused on providing services to litigants who would remain self-represented.

One of the plans without staff proposed having a directory of attorney referrals, promoting unbundling, and offering incentives for attorneys to work pro bono, such as calendar preference, pro bono credit, or MCLE credit. One of the regional court groups and one large court also proposed attorney incentives, such as calendar preference.

There was one action plan with staff in each of the county size categories that proposed making attorney referrals.

Eleven (26 percent) of the plans with staff proposed working with local bar associations to promote the unbundling of legal services.

## **USABILITY OF THE LEGAL SYSTEM**

Thirty-two (71 percent) of the 52 total local action plans proposed system changes intended to improve the efficiency of court operations and increase the usability of the justice system for the public. Of those plans that proposed systems changes, 18 (56 percent) included changes in legal procedure and operations. The medium-sized and large courts were more likely to propose changes in legal processing.

### **Case Management**

Eleven (61 percent) of those 18 counties proposed case management techniques to improve the processing of pro se cases. A variety of case management ideas was proposed.

One large court proposed assigning self-help center staff in family law cases to conduct status reviews for pro se litigants. This court had assessed the volume of pro se cases that were not prosecuted to judgment. It sought to clear its backlog of abandoned actions and to assist litigants in completing their cases. Litigants would be noticed to appear for a status conference with the self-help staff. The staff would then help the litigants proceed with the case, should they so desire. Settlement discussions would be conducted whenever possible, stipulations prepared and submitted, default paperwork completed, and the case set for trial when no agreement was possible.

Another large court had conducted a survey of courthouse users on a given day and found that a major complaint was the amount of time it took to conduct business at the courthouse. As a result, that plan included a proposal for staggered hearing times in hopes of reducing the amount of waiting time at court.

One of the smallest courts proposed clustering its domestic violence cases into a domestic violence court based on the assessment that this population was nearly 100 percent pro se. The clustering of cases is intended to facilitate making ancillary support services more available at the courthouse for the litigants. Another of the smallest courts proposed post-

hearing case management to help litigants comply with their court orders by facilitating access to court-ordered services. One of the largest counties also proposed providing post-hearing compliance assistance to self-represented litigants.

One medium-sized court proposed a system by which orders after hearings would be prepared for the litigants so that everyone could leave with an order in hand.

Another medium-sized court proposed having self-help center staff conduct pre-hearing orientations for litigants. This staff would review files prior to hearings to determine readiness to proceed. One regional plan and one small court also proposed pre-hearing orientations.

### **Simplification and Uniformity—Local Rules and Procedures**

Eight (44 percent) of the 18 plans that included changes in legal rules and procedures proposed simplifying rules and procedures to assist both the court and litigants in case processing.

Four medium-sized counties made such proposals. Two proposed simplifying legal forms. One proposed simplifying local rules in family law, and another suggested simplifying the instructions that were handed out with the forms.

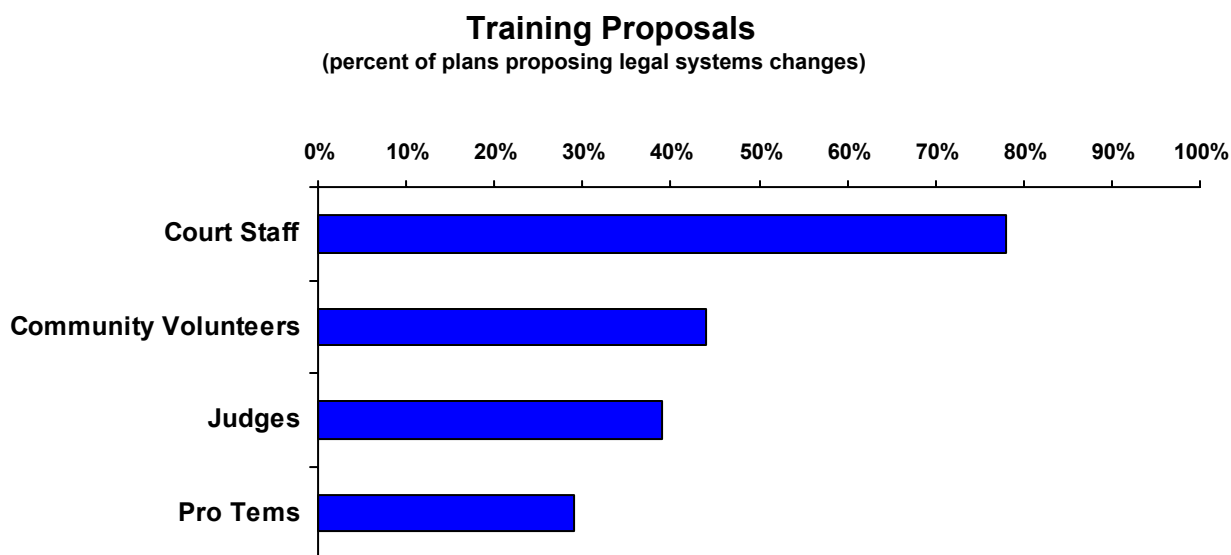
Three of the large counties also proposed changing local rules to simplify procedures. One of the counties also wanted to simplify the process by which the public could access case registry information and minute orders.

One of the regional plans clearly set the goal of developing uniform local rules among the three counties the program was servicing.

### **Training of Court Personnel**

All 18 of the courts whose plans included changes in legal systems proposed training for court staff, judicial officers, and community volunteers with respect to the handling of pro se cases.





Fourteen of these 18 courts cited lack of training in their needs assessments. The other four included training in their program designs.

At least one plan from each county size group included training for court staff. The medium-sized and large counties were more likely to have plans that included training for staff. All eight of the medium-sized counties proposing legal systems changes included training for court staff. Those 8 counties made up 75 percent of all the medium-sized county action plans.

In the large counties, three mentioned training in their needs assessments; however, four included training for court staff in their program designs. Those four counties make up 75 percent of those proposing legal systems changes, and 57 percent of all in the large courts group.

Three of the smaller courts and one regional group also included training for court staff in their program designs.

Eight (44 percent) of the 18 courts that proposed training included training for volunteers from the community. None of the smallest counties proposed training for community volunteers. Two small counties, four medium counties, and two large counties proposed training for community volunteers. Two of the medium counties proposed a “train the trainers” strategy designed to teach community service providers how to assist self-represented litigants.

Eleven (61 percent) of these 18 action plans included proposals for training judges and pro tem judges. Eight of these plans came from large and medium-sized counties. Only two

small counties included judicial training in their plans. None of the smallest counties or regional plans proposed judicial training.

## PHYSICAL ACCESS TO COURTHOUSE SERVICES

All of the local action plans had some strategy to address the issue of physical access to the courthouse. The plans for physical access fell into two basic categories: (a) in-person access and (b) technological access. As already noted, the smaller courts were more likely to propose technical access solutions. In those counties, resources tend to be scarcer, and the development of critical centralized services is still in progress. For example, many of the courts that still have only part-time family law facilitators fall within these smaller court categories. As a consequence, many of the action plans in this group focused on expanding the family law facilitator service and completing the development of other critical centralized services.

### In-Person Access

The majority of plans citing geographic access as a barrier for self-represented litigants in their needs assessments proposed strategies to provide in-person physical access to the court facilities. The proposed solutions for in-person access follow.

Counties	Geographic Access Issues Cited		Proposed Solutions		
			Outpost Facilities	Mobile Vans	Transportation to Courthouse
	Number of Counties	Percentage in size category	Number of Counties	Number of Counties	Number of Counties
<b>Smallest</b> < 5 judges	5	63%	2	1	—
<b>Small</b> <15 judges	7	70%	5	—	1
<b>Medium</b> <50 judges	8	67%	4	3	
<b>Large</b> 50+ judges	3	43%	4	3	1
<b>Regional</b>	3	37%	3	5	3
<b>Totals</b>	<b>26</b>	<b>58%</b>	<b>18</b>	<b>12</b>	<b>5</b>

Proposed “outposts” included expansions of services to additional court locations in remote areas and placing specified services in libraries or community centers. One court proposed establishing regional traffic centers. Another proposed taking legal information services into the jails to make assistance with family law matters available to prisoners.

## Technological Access

Nearly all of the action plans citing geographic access as a barrier for self-represented litigants made some sort of proposal for technical access to the court. There were 40 of the total 45 action plans that included technology strategies of various kinds. Over half of these included technology to help solve the geographic access problem.

**Extended Hours.** Seven counties proposed to extend the hours that the courthouse was open so that those unable to make it to the court during the workday could access the court after work or on a weekend day. One of the smallest, one small, and two medium-size counties proposed extending their hours. One of the regional plans also proposed to extend court hours. None of the large counties included this strategy in their action plans.

**Courthouse Security.** One court identified courthouse security as a physical access issue for victims of family violence. That plan included a proposal to increase security measures to protect the safety of such individuals when they have courthouse business to conduct.

## TECHNOLOGICAL GEOGRAPHIC ACCESS STRATEGIES

Counties	Geographic Access Issues Cited		Proposed Solutions						
			Telephone Help Line (staffed)	Video-Conf.	Fax/Email	On-Line/Kiosks	Websites	Phone Tree	E-Filing
	Number of Counties	% in size category	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties
<b>Smallest</b> < 5 judges	5	63%	0	2	0	3	2	0	0
<b>Small</b> <15 judges	7	70%	1	1	1	1	3	1	0
<b>Medium</b> <50 judges	8	67%	2	1	0	6	8	2	0
<b>Large</b> 50+ judges	3	43%	1	1	0	4	2	0	2
<b>Regional</b>	3	37%	5	3	3	8	6	3	0
<b>Totals</b>	26	58%	9	8	4	22	21	6	2

## USABILITY OF COURTHOUSE FACILITIES

### General Information

Eighteen (40 percent) of the 45 action plans contained a proposal to provide the public with general information at the courthouse that would make it easier to use while doing court business.

**Information Booths.** Thirteen counties proposed installing information booths. These booths would have written materials about the court, instructions, and directions for courthouse facilities. No legal information or assistance would be available at the booths. Most of the plans that included information booths proposed that they be staffed with volunteers from the community.

**Maps and Signage.** Nine of the action plans proposed using signage at the courthouse to help litigants negotiate the facility. Five of the plans described detailed maps in the courthouse that would help people find the location they needed.

### Facilities

Sixteen (36 percent) of the action plans included proposals for changes in courthouse facilities that would help self-represented litigants use the courthouse.

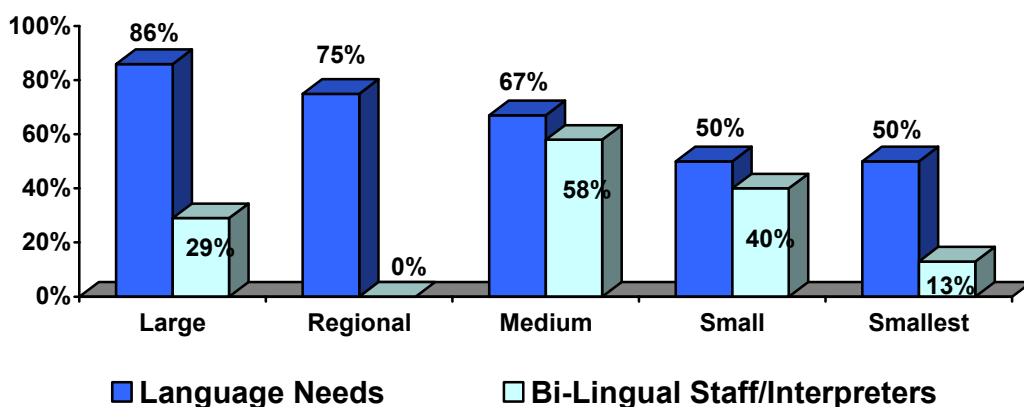
**Children's Waiting Rooms.** Seven of the counties proposed the creation of children's waiting rooms. One regional court and at least one court from each of the other size categories proposed a children's waiting room. Thus, the need for this facility was not related to the size of the court but the number of children anticipated. Some plans included detailed descriptions of parents under tremendous stress coming to the courthouse and trying to conduct their business with small children in tow. The lack of a place for the children to wait causes frustration for both litigants and court staff.

**Other Waiting Areas.** One of the regional plans and one of the small counties proposed waiting areas for litigants who are at court for hearings. There was concern about overcrowding in the courtrooms. An additional concern was the need for a safe waiting area for victims of family violence who have a court hearing at which the alleged perpetrator is present.

**Space for Self-Represented Litigants to Work.** Nine courts proposed creating space in the courthouse for self-represented litigants to sit down and work. At the minimum, litigants need tables and chairs so they can sit and read instructions and complete forms. Additionally, five of the plans specified providing copy machines for the public to use at the courthouse.

**Interpreter Services.** As already mentioned, 29 (64 percent) of the total action plans cited language as a barrier for self-represented litigants. Fourteen (48 percent) of those 29 proposals included plans to make staff available to provide services in more than one language. All of the counties proposed the use of translated self-help materials. Fifteen (52 percent) of these counties have chosen to rely exclusively on such translated materials. The regional plans, for example, rely exclusively on translated materials.

### Language Needs and Interpreters



The small and medium-sized counties were more likely to propose bilingual staff or interpreters to address the language issue. Seven out of the eight medium sized counties citing language access as a serious issue made such proposals. Two of the largest county plans proposed the use of bilingual staff or interpreters, while six proposed relying on translated self-help materials.

### C. Community Partnerships

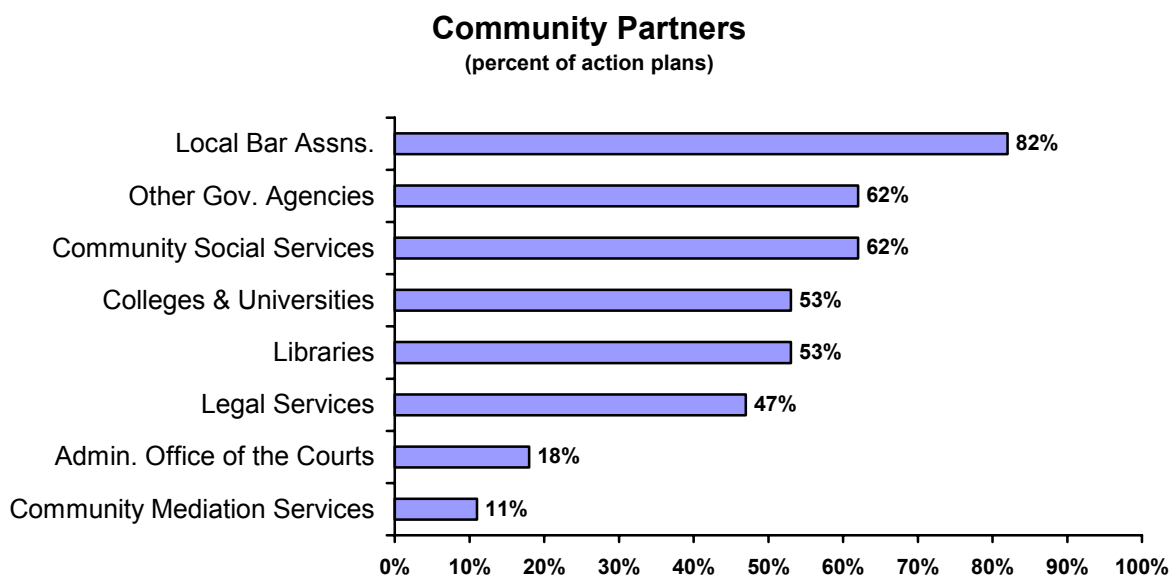
Partnerships between the court and other community service providers were pivotal to the development of these action plans. All the plans included multiple partners from both government and community in their planning process.

Other government agencies that were included were victim-witness programs, the Department of Child Support Services, district attorneys, public defenders, the Department of Social Services, boards of education, public health agencies, law enforcement agencies, a state hospital, departments of probation, and child care councils.

Examples of community social services and other community organizations that were included were churches, domestic violence services, chambers of commerce, the Rotary, Elks Clubs, Moose Lodges, vocational schools, neighborhood resource centers, senior citizen centers, parenting

programs, drug and alcohol programs, childcare centers, fair housing agencies, YWCA, fathers' support groups, the United Way, disability services, newspapers, and the Salvation Army.

College and university partners included both undergraduate programs and law schools. There were also several counties working with paralegal schools.



A few plans mentioned working with the California Administrative Office of the Courts as well as with the National Center for State Courts and courts from other counties.

The community participation in the planning process of the courts is noteworthy. Of the 45 courts that provided action plans, 35 had previously developed detailed community-focused strategic plans for their courts in which providing access to justice for self-represented litigants was cited as a high priority. Of the remaining ten courts, four included self-help centers with staff in their overall strategic plans, and four more included non-staffed self-help centers.

Collaboration with other government and community-based organizations has been central to most of the action plans. The first task in the Los Angeles County court's action plan, for example, was to coordinate the community-based services for self-represented litigants that were already operating at or around their numerous court locations.

Several of the partnerships that courts are crafting with schools, universities, and community centers involve translation of written instructions into several different languages. Some of the same organizations are serving as outposts for the courts where technological assistance (kiosks, etc.) can be located. Plans to use court staff or experts from local bar associations to train individuals in these locations frequently accompanies such proposals.

One of the main subjects of partnerships with local bar associations is limited-scope, or unbundled, legal representation. Bench/bar discussions about the realistic use of unbundling and the necessary

changes in local rules are frequently mentioned. Bench-bar groups are also reviewing local rules on other matters and working together to develop more pro bono services for the public. There are also proposals that include partnerships between the court and legal services to provide legal information and assistance to self-represented litigants.

In addition, partnerships with local newspapers and television and radio stations are mentioned as techniques to get general information about the court and news of available services out to the community.

## **Conclusion**

To date, the courts in 52 of California's 58 counties have participated in the action planning for self-represented litigants. These 52 counties contain 98 percent of California's population of approximately 34 million people. Forty-five of the counties have already provided action plans; 7 are still in the planning process.

While the development of public access legal information and education through the creation of self-help centers remained the centerpiece of most local action plans, 71 percent moved beyond this first step to proposals for system changes designed to facilitate management of self-represented litigant cases.

## **DIRECT SERVICES TO SELF-REPRESENTED LITIGANTS**

Approximately 93 percent of these action plans are structured around staffed self-help centers under the supervision of attorneys. Support staff included paralegals, court clerks, law students and other community volunteers. Over 80 percent planned to expand the role of their family law facilitator to all aspects of family law and/or to other civil matters. In both litigant and judicial surveys where services were rated according to usefulness, staff available to answer questions ranked first in importance. Access to staff is frequently supported by the proposed use of telephone help lines, videoconferencing, fax and e-mail, and the use of self-help assistance vans.

Self-help-only types of technology such as written forms with instructions, interactive online forms programs, Web site information, kiosks, and telephone trees are frequently proposed. In some plans, these tools are used in outpost locations away from the court and are intended to be used by self-represented litigants without staff to answer questions. In others, technology is part of a more comprehensive plan in which these tools are used to augment and support the work of the self-represented litigants assistance staff.

## **SYSTEMS CHANGES**

Reviews of local rules and forms, case management systems, and calendaring strategies were proposed. Some plans proposed the use of staff resources, particularly attorneys, in courtrooms to conduct settlement negotiations, answer procedural questions, and prepare written orders and judgments. Others proposed using attorney staff to review files prior to hearings and determine

their readiness to proceed. One plan proposed having staff conduct prehearing orientations for the public.

Plans included proposals for case management in which staff attorneys would conduct routine status conferences and settlement negotiations and assist litigants with completing the court process. Adjustments in calendaring, clustering of similar cases, staggering hearing times, and rational numbering of courtrooms were all proposed as well.

Facilities changes were also included, such as children's waiting rooms, other waiting areas for litigants, space in the courthouse for litigants to sit and work on their paperwork, the availability of copying machines and phones for litigants to use, extended hours of service, transportation to court, and easier parking.

## **COLLABORATION AND RESOURCES**

Critical to all of the action plans were the partnerships formed with other government and community-based organizations. These partnerships were particularly useful in the planning stages. Some of the partnerships were also central to the implementation of action plans. For example, the participation of local bars with respect to unbundled legal services, pro bono representation, and volunteer services to pro se litigants was important to many plans. Collaboration with colleges, universities, and community centers for translation of materials into many languages was often reported. And working with libraries and other community agencies to create outpost assistance in more remote areas was also extremely important.

Collaboration also helped address the issue of funding, the main barrier to full implementation of all the local action plans. Finding the requisite resources to provide adequate staff for the projects is an ongoing challenge, particularly during the current budget crisis in California. Although one court suggested charging for self-represented litigant services on a sliding scale, most of the action plans reported their dependence on grant funding from various government sources.

In conclusion, the courts in California have gained a tremendous amount of information about the optimal direction for pro se matters from two important sources: the family law facilitator program and the community-focused strategic planning process. The family law facilitator program pioneered court-operated self-help on a mass scale in the state. The court-community focused strategic planning process initiated ongoing dialogue and collaboration between the courts and their communities. The current action planning process has brought these two efforts together to create plans that reflect a comprehensive view of the justice system as it relates to self-represented litigants.



## **APPENDIX A**

### **Action Plan Summary Chart**

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Butte, Glen, Tehama</u></b>	<ul style="list-style-type: none"> <li>Community Collaborations</li> </ul>	Use Existing Resources Seek ADR Resources Outreach to churches, etc Research "Family Unity" system			<u>In General:</u> Schools Libraries DCSS Family Law Facilitator Legal Services Small Claims Advisory Parent Education Network Lawyer Referral Service
	<ul style="list-style-type: none"> <li>System Changes to make more "user-friendly"</li> </ul>	Public transportation Jail services Electronic access Phone & email help Signage Children & other waiting rooms Handwritten pleadings Free consultations On-duty judge for orders Uniform rules & forms Social work training for court staff			
	<ul style="list-style-type: none"> <li>Provide Successful models of service delivery</li> </ul>	Network with other counties Kiosk system DV Support Person Mobil Van Forms on court's website Incentive for attorneys (calendar preference)			
	<ul style="list-style-type: none"> <li>Technology &amp; Education</li> </ul>	Library Resources Computer programs-language Law School Library Services Outreach To High schools 24 hr. phone line	Chico State	Students	Schools, Libraries
	<ul style="list-style-type: none"> <li>Meet Access needs of diverse population</li> </ul>	Self-Help Center Internet, I-CAN, local website, Copying, attorney referrals, Out-station locations	Courthouse  Community	Attorney Coordinator	Self-Help Assistance Regional Project (SHARP) (Butte, Glen Tehama)*

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Calaveras, Amador</u></b>	<ul style="list-style-type: none"> <li>Family Law Focus</li> <li>SRL Education</li> <li>Expansion of Resources and services for SRLs</li> <li>Development of infrastructure to support SRL services</li> </ul>	<p>Self-help publications; on-line help; education programs, videos, staff assistance to answer questions.</p> <p>SHC in new facility; resource for supervised visitation program; case mgmt &amp; tracking in family law; expanding presentations; use of other technology; develop a community hotline</p> <p>Court Community Action Planning Team</p>	New facility	<p>Family Law Facilitator</p> <p>Family Court Services</p>	<p>Bar Association</p> <p>Legal Services of No, Calif.</p> <p>Calaveras Legal Assistance Service</p>
<b><u>Colusa</u></b>	<ul style="list-style-type: none"> <li>Extend Family Law Facilitator</li> </ul>	Make position full time	Courthouse	Attorney	Judicial Council
	<ul style="list-style-type: none"> <li>Enhance Pro Bono Services</li> </ul>	Promote Unbundling		Attorney	State & Local Bars
	<ul style="list-style-type: none"> <li>Public Information – Website</li> </ul>	Court Website			Judicial Council
<b><u>Contra Costa</u></b>	<ul style="list-style-type: none"> <li>Court Access &amp; Customer Relations</li> </ul>	<p>Transportation to court</p> <p>Mobile services- FLF, hearings, filings, computers</p> <p>Maps &amp; signage</p> <p>Children's waiting rooms</p> <p>SRL work areas – kiosks</p> <p>Interpreter service info.</p>	<p>Courthouses</p> <p>Libraries</p> <p>Bus. Ctrs.</p> <p>Senior Ctrs.</p> <p>Schools</p> <p>Clubs</p> <p>Colleges</p>	Coordinator/ Facilitator	<p>Local Bar</p> <p>Legal Services</p> <p>Prison Law Office</p> <p>Sr. Legal Services</p> <p>Bay Area Legal</p> <p>La Raza Centro</p> <p>Friends Outside</p> <p>STAND</p> <p>Sr. Communitiess</p>
	<ul style="list-style-type: none"> <li>Technology &amp; Forms</li> </ul>	<p>I-CAN/ San Mateo</p> <p>Resource Information online</p> <p>Flowcharts</p> <p>Videos</p> <p>Forms access</p> <p>Links to other webs</p> <p>Education – court decorum</p> <p>Simplify rule</p> <p>CCTV</p>	(same)		<p>PD &amp; DA</p> <p>DCSS</p> <p>Law Enforcement</p> <p>Board of Ed./ Com. Col. Dist</p> <p>St. Mary's &amp; JFK</p> <p>Social Services</p>

# RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Self-Help Resources</li> </ul>	Self-Help Centers Written materials Workshops Videos Extended hours Video-conferencing Internet, computers, Copying	Each court Jails Libraries DCSS Bar. Assn		Above, plus: Small Claims Nat'l Center for Youth Law Family Law Facilitator ADR Legal Services for Children\ Elks, Moose Families First Ctr. For Law and the Deaf
	<ul style="list-style-type: none"> <li>Community Outreach &amp; Education</li> </ul>	Town Meeting	Community Locations		Above plus: Dependency Mediation
	<ul style="list-style-type: none"> <li>Case Management</li> </ul>	Fast track: family law (not cc/cv); Probate guard, juvenile, Conservatorships, and limited civil; Differential Assessment; ADR			
<b><u>El Dorado</u></b>	<ul style="list-style-type: none"> <li>Educating SRLs</li> </ul>	Computer workstations  Street Law Program	Volunteer attorneys	Placerville Lake Tahoe	Private Bar
	<ul style="list-style-type: none"> <li>Expansion of Services to SRLs</li> </ul>	Expansion of Family Law Facilitators; allow FLF to do non-AB1058 family law and other civil litigation assistance – also have bi-lingual staff at So. Lake Tahoe	FLF attorneys	Placerville Lake Tahoe	
	<ul style="list-style-type: none"> <li>Expansion of Family Law Facilitator</li> </ul>				

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Fresno</u></b>	<ul style="list-style-type: none"> <li>Self-Help Center (Spanish model)</li> </ul>	Self-Help Center – multiple languages Simplified forms & instructions Public service announcements	Near the Family Law Facilitator	Paralegal; Community Resource Mgr.	Legal Services Local Bar
	<ul style="list-style-type: none"> <li>Mobile Access Unit</li> </ul>	Hire permanent staff		Volunteers Attorneys	
	<ul style="list-style-type: none"> <li>Staff Training</li> <li></li> </ul>	“Train the Trainers” (all court supervisors); Add SRL training to new judge and new employee training			
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Website; kiosks; Internet; protocol database			Local Bar
	<ul style="list-style-type: none"> <li>Unbundling</li> </ul>	Adopt rules & forms; Focus on family law pilot			
<b><u>Inyo</u></b>	<ul style="list-style-type: none"> <li>SRL Education</li> </ul>	Self-Help publications; Written & online instructions; Videos; assistance from staff, educational programs			
	<ul style="list-style-type: none"> <li>Expansion of services &amp; resources for SRLs</li> </ul>	Videoconferencing; Computer & Software; Internet	Tecopa Community Center/Sm. Claims Advr		TCC
	<ul style="list-style-type: none"> <li>Expansion of Family Law Facilitator</li> </ul>	Fulltime position; expand to cover custody/visitation & guardianship; Facilitate compliance w/orders	Courthouse	Family Law Facilitator	
<b><u>Imperial</u></b>	<ul style="list-style-type: none"> <li>Increased SRLs assistance</li> </ul>	Self-Help Center – pamphlets; computers	Courthouse Pamphlets – law library	Family Law Facilitator	Bar Association – including San Diego Bar
	<ul style="list-style-type: none"> <li>Assistance with matter not handled by SHC</li> </ul>	English/Spanish informational brochures into the community  Website		Court staff  Court staff	State Bar, AOC, other courts  NCSC; AOC, other courts
	<ul style="list-style-type: none"> <li>Improve physical access</li> </ul>	Provide transportation to services			Salvation Army; Dial-a-Ride; Catholic Charities, ARC

# RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Kern</u></b>	<ul style="list-style-type: none"> <li>Probate Assistance</li> </ul>	Guardianship & Sm. Estates Written information; Document review; Easy Reference Cards Spanish service	Courthouse-Bakersfield	Legal Assistant	
<b><u>Lake</u></b>	<ul style="list-style-type: none"> <li>Educating SRLs</li> </ul>	Expand FLF	Courthouse	Attorneys Paralegals	P.D ADR Program
	<ul style="list-style-type: none"> <li>Expand Services</li> </ul>				
<b><u>Lassen</u></b>	<ul style="list-style-type: none"> <li>Assist SRLs</li> <li>Educate the Public about the Court</li> <li>Network with community agencies</li> </ul>	Assist with adoption; custody/visitation; TROs; Conservatorships;Guardianships; Probate; Landlord Tenant; Civil Harassment; Appeals, Civil, Juvenile & Traffic  Education materials, books, videos, packets, brochures, computer resources  Same as above – written materials; staff to answer questions	Law Library; Courthouse	Family Law Facilitator, Volunteer Attorneys, Small Claims Advisor; Court Staff	Law Library Board Local Attorneys
<b><u>Los Angeles</u></b>	<ul style="list-style-type: none"> <li>All Areas - multiple locations</li> </ul>	(Volume Data: New SRL Filings 282,006/yr)	Central Family Central Civil, East LA, Pomona Citrus, Rio Hondo, Antelope Valley/ Palmdale/Lancaster, Glendale, Burbank, Pasadena, Alhambra, Santa Anita, San Fernando, Newhall/Santa Clarita, Van Nuys, Long Beach, San Pedro, Compton, Norwalk, Downey, Los Cerritos, Whittier Huntington Park, South Gate, Torrance/So. Bay, Inglewood, Santa Monica, Beverly Hills, West LA/Airport, Culver City, Malibu		<u>Courthouses:</u> LAFLA Barristers DV Project Guard. Vol. Project LAF-Long Beach Comm. Legal Services Jenesse Center Sm. Claims Advr. LA Housing Project FLF/FLIC  <u>Community</u> Legal Services Law Schools Local Bars

## SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Marin</u></b>	<ul style="list-style-type: none"> <li>Self-Help Center:</li> <li>Bi-lingual triage</li> <li>Telephone assistance</li> <li>Children's waiting area</li> <li>Computer workstations</li> <li>Videos</li> <li>Meeting rooms</li> <li>Referrals to attorneys</li> <li>Unbundling</li> <li>Clinics</li> <li>Resource lists</li> <li>Fax</li> <li>Probation – restorative justice</li> </ul>	Self-Help Center --- central point of entry	Courthouse-San Rafael	Attorney Coordinator  Volunteer Attorneys  Paralegals  Interpreters  Probation	Legal Services Law Libraries Mediation Services Social Services Public Guardian Community Organizations: Canal Comm. Alliance; Latino Council PD Health & Human Services Probation
<b><u>Mariposa</u></b>	<ul style="list-style-type: none"> <li>Establish a DV Court</li> <li>Mobile SHC Unit</li> <li>Develop SHC</li> </ul>	Study & develop proposal for a DV Court  Purchase van in conjunction with other counties  Computers, printers, video, instructional tapes; written materials, develop feedback questionnaires	Courthouse   Courthouse	Judicial officer   To be determined	Other county courts
<b><u>Mendocino</u></b>	<ul style="list-style-type: none"> <li>Self-Help Center</li> <li>Public Education</li> <li>Judicial Officer &amp; Staff Education</li> <li>Bilingual Staff</li> <li>Navigation &amp; Court Locations</li> </ul>	Community resource manual, ADR services, Information & referral, bilingual written materials, bilingual videos, kiosks, online assistance, computers; typewriters  Teaching process by case type, video – guide to ct. procedures, pre-hearing clinics, bilingual forms packets  Judicial training, pro tem training, clerk training, volunteer trainings  Bilingual attorney & staff Extended hours for filing  Directions, signage Court information booth	Courthouse	Attorneys Volunteers	Local Bar AOC Day Care Provider Volunteers

## SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:	
<u><b>Mono</b></u>	<ul style="list-style-type: none"><li>On-site consultation with Spanish-speaking paralegal</li><li>SRL information on website</li><li>On-site computers so SRLs can use internet</li><li>Community outreach</li></ul>				Local Bar Paralegals Spanish Interpreters\ Web Consultant	
<u><b>Monterey/ San Benito/ Santa Cruz</b></u>	<ul style="list-style-type: none"><li>Expanding Available Services</li></ul>	SRL Services	Community	CBO Provider	County Bar Associations AOC – Regional Office Volunteer attorneys Other volunteers DCSS Family Law Facilitators Law Libraries Law Schools Law School Intern Programs	
		Hire a Pilot SHC Coordinator		Court staff – nos		
		Extend ESL services to Watsonville; expand civil assistance		Language Line		
		Extend hours of service – research possible locations, link SHC to Family Law Facilitator and extending hours	Family Law Facilitators?			
		Mobile van program - Get information from other courts				
	<ul style="list-style-type: none"><li>Technology</li></ul>	Website; kiosks; I-Can; other software/TurboTax				
	<ul style="list-style-type: none"><li>Education</li></ul>	Outreach clinics; workshops				
	<ul style="list-style-type: none"><li>Informational Materials</li></ul>	Forms w/instructions/flowcharts; English/Spanish brochures				
	<ul style="list-style-type: none"><li>Partnerships</li></ul>	Develop volunteer participation				



**SRL ACTION PLANS 2002 - Detail**

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Napa</u></b>	<ul style="list-style-type: none"> <li>Expand Family Law Services</li> </ul>	Expanded Family Law Center	Courthouse	Family Law Facilitator	Local Bar Probation Legal Services Law Enforcement H&H Services Dept. Ed. Schools Colleges PD & DA Library State Hosp.
	<ul style="list-style-type: none"> <li>General Self-Help Center</li> </ul>	Self-Help Center – Materials & referrals Information Center	Courthouse	Attorney Sr. clerk (Spanish)	
	<ul style="list-style-type: none"> <li>General Public Information</li> </ul>				
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Video production/purchase			
	<ul style="list-style-type: none"> <li>Court outposts</li> </ul>	Remote Center: UD, Fam. Law; Sm. Claims	Calistoga; Am. Canyon		
<b><u>Orange</u></b>	<ul style="list-style-type: none"> <li>Court Rules, Procedures, Forms &amp; Case Scheduling</li> </ul>	Judicial training (clarity of orders) Easy access to minute orders Simplify rules & procedures Stagger hearing times Unbundling			
	<ul style="list-style-type: none"> <li>Education &amp; Use of Volunteers</li> </ul>	Comm. Resource Guidebook Volunteer interpreters Self-help videos/materials to -Comm. Centers		Volunteers	Whittier Law School
	<ul style="list-style-type: none"> <li>Facilities &amp; Expanded Services</li> </ul>	Self-Help Centers Information counters Fact sheets of FAQs Re-number courtrooms rationally Regional traffic ticket centers	All courts		
		Mobile van Online services Accept handwritten forms		Attorneys Volunteers or Staff	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	I-CAN Other kiosk info (“how to”) e-filing Easy access to case information Create interactive forms		Volunteers	

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Riverside</u></b>	<ul style="list-style-type: none"> <li>Information to Public</li> </ul>	Resource Guide Informational brochures; videos Workshops Public Information Booths Interpreters for Translations	Courthouse Law libraries	Attorney	Gov. Agencies Local Bar Law Libraries Faith Community Community Social Services
	<ul style="list-style-type: none"> <li>Expand Available Legal Services</li> </ul>	Unbundling Calendar priority to pro bono attorneys Incentive for pro bono attorneys Local bar to adopt a 50-hour requirement Publicize low-cost legal services		Attorneys	
	<ul style="list-style-type: none"> <li>Regional SH Centers</li> </ul>	Technology available		none	
	<ul style="list-style-type: none"> <li>Collaboration &amp; Community Outreach</li> </ul>	Court speakers bureau Provide information to jurors about low-cost legal services Establish Court Resource Development office to seek grant opportunities		All court staff	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Website, kiosks – I-CAN e-filing video-conferencing-hearings	Law libraries, shelters, community locations	none	
	<ul style="list-style-type: none"> <li>Transportation &amp; Parking</li> </ul>	Coordinate court times with bus schedules Expand time & signage on parking meters Security for DV victims Translate signage on parking meters Increase parking signage			
	<ul style="list-style-type: none"> <li>Training</li> </ul>	Training staff, bench, protems, law libraries, agencies Publicize CJER materials Ask CJER for more training tapes on line			

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Sacramento</u></b>	<ul style="list-style-type: none"> <li>Court/Community Liaison Program</li> </ul>	Meet with SRL – in community prior to court Accompany to clinics Help with Technology – I-CAN, etc. Assist attaching to services Evaluate litigant's experiences	CBO staff-by contract		Gov. agencies CBOs Info Line VLSP
	<ul style="list-style-type: none"> <li>Community Based Court Service Centers</li> </ul>	3 Centers + mobile unit Computers, Internet; I-CAN; e-filing Videoconferencing/hearings	Sr. Clerks; volunteer staff		
<b><u>San Bernardino</u></b>	<ul style="list-style-type: none"> <li>Community Outreach &amp; Collaboration</li> </ul>	Unbundling Information & referral Kiosk/computer forms	Law Libraries	Volunteers	Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce, Local Bars
	<ul style="list-style-type: none"> <li>Family Law Resources</li> </ul>	Expand Family Law Facilitator for non-AB1058 FL; DV assistance by FLF	Courthouse	Attorneys	Legal Services DV Services
	<ul style="list-style-type: none"> <li>Language Access</li> </ul>	Translate materials into Spanish & Vietnamese	Community		Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce Local Bars
	<ul style="list-style-type: none"> <li>Court User Information &amp; Assistance</li> </ul>	Written instructions, website, juror information: Put in kiosks - remote sites	Courthouses		
	<ul style="list-style-type: none"> <li>Public interface at Courts</li> </ul>	Information booths, signage, materials – flowcharts, maps, resource directories; computers	Courthouses		
	<ul style="list-style-type: none"> <li>Training</li> </ul>	Sensitivity, customer service, judges, court staff Ed. about court for public	Libraries		
	<ul style="list-style-type: none"> <li>Regional Self-Help Centers</li> </ul>	Instruction packets; child care; parking assistance	Regional Locations		
	<ul style="list-style-type: none"> <li>Publicity</li> </ul>	Website; press releases, flyers, videos			

# RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>San Diego</u></b>	<ul style="list-style-type: none"> <li>Inventory of Legal Resources</li> </ul>	Legal & social services - directory	Countywide		United Way Inform SD Law Library
	<ul style="list-style-type: none"> <li>Self-Help Centers &amp; Clinics</li> </ul>	Expand Existing Services CH Clinic UD Clinic DV Clinic Family Law Facilitator Case Management	Courthouses & Community (library)	Attorneys Paralegals IT Staff	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	I-CAN; On-Line Disso; e-filing sm.claims			Legal Services Libraries Local Bars State Bar
	<ul style="list-style-type: none"> <li>Unbundling</li> </ul>			Attorney	Local Bar
	<ul style="list-style-type: none"> <li>Funding</li> </ul>	Research and collaborative funding			Legal Services, non-profits, libraries
<b><u>San Francisco</u></b>	<ul style="list-style-type: none"> <li>Multi-Language/Multi-cultural Service Center</li> </ul>	Spanish; Cantonese, Vietnamese, Russian, Tagalog  SRL services; I-CAN kiosks, SHC, Information Center	Courthouse Community Centers	Attorneys staff	VLSC Cooperative Restraining Order Clinic Bay Area Legal Services Law Library Hastings Law School; SF Bar Assn.
<b><u>San Joaquin</u></b>	<ul style="list-style-type: none"> <li>Self-Help Center</li> </ul>	Expand Family Law Facilitator Computers, written materials Expand to Manteca location	Courthouse	Attorney	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Website Video-conferencing	Courthouses, Community		Other Central Valley Courts; Dual Vocation Institute
	<ul style="list-style-type: none"> <li>Language Access</li> </ul>	Language Line			Others:
	<ul style="list-style-type: none"> <li>Written Materials</li> </ul>	Expand information packets			FL Cntr. in Manteca Libraries Universities
	<ul style="list-style-type: none"> <li>Signage</li> </ul>	Multi-lingual signage			Women's Centers

# RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Advertising</li> </ul>	Outreach in local newspapers Directory of Services Phone book			Catholic Charities Sr. Centers
	<ul style="list-style-type: none"> <li>Public Education</li> </ul>	Videos, phone access Court-Community Leadership & Liaison Academy			
	<ul style="list-style-type: none"> <li>Court Staff</li> </ul>	Training			
<b><u>San Louis Obispo</u></b>	<ul style="list-style-type: none"> <li>Expand FLF</li> <li>Mediation Services</li> <li>Small Claims Advisor</li> <li>Self-Help Library</li> <li>Reception Center</li> <li>Implement Clinics</li> <li>Resource Brochure</li> <li>Video Series</li> <li>New SHC</li> </ul>	Community Law Night		attorney  attorney clerks staff attorneys  attorneys/ paralegals	Gov. Agencies Community Mediation Local Bar Local Colleges & Universities Newspapers Cable TV
<b><u>San Mateo</u></b>	<ul style="list-style-type: none"> <li>Self-Help Resources</li> </ul>	Centralized Service Center Mobile unit Kiosks Video viewing Written materials – multi-lingual Public education	Courthouses (or near) In Community		Non-profits Local Bars Libraries Universities Law Schools
	<ul style="list-style-type: none"> <li>Access to Services</li> </ul>	Computers, copiers, handouts, maps, Courtroom assistance Interpreter services Social service referrals – streamlined intake; ADR referrals			
		Pro bono Programs Law Student volunteers at court		Volunteers	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Expand Interactive Forms Program Enhancement website			
	<ul style="list-style-type: none"> <li>Collaboration</li> </ul>	Staff training – on available resources Develop a communication plan			

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Santa Barbara</u></b>	<ul style="list-style-type: none"> <li>Public Information/ Education</li> </ul>	Informational packets & brochures; expand court's website; public information programs on rules, procedures, forms, options; referral lists Better signage at courthouse			Bar Assn Bar Foundation Board of Supervisors Small Claims Advisor SB Community Mediation Program
	<ul style="list-style-type: none"> <li>SRL Resource Center</li> </ul>	Tables, chairs, staff to answer questions, reference materials in Spanish & English, videotape library		Volunteer attorneys, paralegals, secretaries, court staff	
	<ul style="list-style-type: none"> <li>Language Assistance</li> </ul>	I-CAN kiosks; San Mateo SH website; interrupter availability I courtrooms;			
	<ul style="list-style-type: none"> <li>Court Rules &amp; Procedures</li> </ul>	Review & simplify			
	<ul style="list-style-type: none"> <li>Training</li> </ul>	More training for court staff—develop a full curriculum		Volunteer Attorney	
	<ul style="list-style-type: none"> <li>ADR</li> </ul>	Expand to Family Law			
	<ul style="list-style-type: none"> <li>Collaboration with the Bar</li> </ul>	Unbundling; more mediation services work with DA on UPL issues			
	<ul style="list-style-type: none"> <li>Criminal/Traffic</li> </ul>	Electronic trials by declaration, requests for continuances, extensions of time, etc.			
<b><u>Santa Clara</u></b>	<ul style="list-style-type: none"> <li>Coordinate Information Booths Forms instructions</li> </ul>	Phone service FAQ brochures Website & interactive forms	Courthouse, Mobile Unit Community Volunteers	Attorneys	Legal Services AOC Neighborhood Resource Centers Sr. Citizen Centers Schools Law Schools Paralegal Schools Libraries Religious/Ethnic Orgs

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Enhance Volunteer Services</li> </ul>	Staffing Info. Booths Attorneys for SH Center			
	<ul style="list-style-type: none"> <li>Self-Service Center &amp; Mobile Unit</li> </ul>	Centralized SH Center + mobile van Individual legal information Web access, forms & handouts Workshops	Court & Mobile Unit  Community	Volunteers	
	<ul style="list-style-type: none"> <li>Language Access</li> </ul>	Translation of Written Materials			
	<ul style="list-style-type: none"> <li>Staff Training</li> </ul>	Volunteers, ct. staff			
	<ul style="list-style-type: none"> <li>Community Outreach</li> </ul>	Training & written information to community “experts” regularly in strategic limited subjects	Community	Volunteers	
<b><u>Shasta</u></b>	<ul style="list-style-type: none"> <li>Adjustment To Court Procedures</li> </ul>	Review FL Court Files Expand ADR Generate more timely OAH procedures Review & Enhance training for Pro Tems in UDs	Courthouse	Staff	S.M.A.R.T.\Family Law Committee – Local Bar, Women’s Refuge DCSS, Legal Services of No. CA, Senior Legal Services  Above plus: HelpLine, Inc. VLSC, No. Valley Catholic Social Services Law Library, Redding Rancheria  Shasta College, Simpson College, Chico State University, Student Day Care Assistance, Kids Turn, Cooperating as Separating Parents
	<ul style="list-style-type: none"> <li>Increase Low Cost Legal Assistance</li> </ul>	Expand Family Law Facilitator Increase Volunteer Services at Women’s Refuge Unbundling for private attorneys	Courthouse Community	Attorneys Volunteers Attorneys	
	<ul style="list-style-type: none"> <li>Increase Community Collaboration</li> </ul>	Develop additional collaborations			
	<ul style="list-style-type: none"> <li>Establish a full-service SHC</li> </ul>	Needs assessment; forms w/instructions; space for Family Law Facilitator; video information; information desk	Courthouse	Family Law Facilitator	

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Kiosks; enhance website; video-conferencing ability; computers	Courthouse Law Libraries		Program  All above plus: Shasta Drug & Alcohol Program
<u>Siskiyou</u>	<ul style="list-style-type: none"> <li>Expand Family Law Facilitator – SRL Assistance to Public</li> </ul>	Video-conferencing – outlying branches  Front-end services to SRLs – doing a current needs assessment - SHC  Refurbish computers for SHC  Expanding SHC Hours;  Community education Programs – videos  MCLE program. – unbundling/ADR	Courthouse	Family Law Facilitator	Bar Assn.; Legal Secretaries Assoc.
		Children's Waiting Room	Courthouse		Family Interagency Service Council Siskiyou County Child Care Council
		ADR directory			County Law Library
		Recycling court files for pro per use		Court clerks	
		Public TV for educational materials – DV restraining orders for petitioners & respondents			Yreka – Channel 4
<u>Solano</u>	<ul style="list-style-type: none"> <li>Language Access</li> </ul>	Translate written materials		Community volunteers	Community orgs.
	<ul style="list-style-type: none"> <li>Community Collaborations</li> </ul>	Develop coordinated referral networks			Universities Community orgs Non-Profits



## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Increase SRL services</li> </ul>	Expand Family Law Facilitator – non-FL civil, Unbundling		Family Law Facilitator Private Attorney	Local Bar Legal Services
	<ul style="list-style-type: none"> <li>Simplify court processes &amp; forms</li> </ul>				
<b><u>Sonoma</u></b>	<ul style="list-style-type: none"> <li>Getting the word out</li> </ul>	Ongoing service provider network Proactive exchange of information Public forums – career/employment fairs Education programs Recruitment – volunteers, interns	Courthouse community locations		CA Indian Legal Services California Parenting Institute CRLA Council on Aging DCSS Dads Make A Difference Disability Law Clinic Fair Housing of Sonoma FCS Friends Outside Grandparents Parenting...Again No. Bay Regional Center Petaluma People Service Center Recourse Mediation Services Sonoma Bar Assn Sonoma County Human Services Legal Aid Legal Services Foundation Sheriff Victim/Witness Sonoma State YWCA
	<ul style="list-style-type: none"> <li>Collaborations</li> </ul>	Centralized services; Mobile community forum; Website services; “211” Information Line Services Collaborative in-service trainings; Commission on Community Resources			
	<ul style="list-style-type: none"> <li>Internet Connections</li> </ul>	Centralized database; kiosks w/legal processes information; community access information – Cable TV; website links; public service segments/press releases			
	<ul style="list-style-type: none"> <li>Getting Legal Representation</li> </ul>	Providing education to Bar, judges, community; Ongoing comprehensive training: community clinics, mentoring programs, PSAs			

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Public Education</li> </ul>	Annual service providers forum, Public forums – fairs; Information Hub; Intra-agency intra-departmental “Ride alongs”, expanded hours SHAC			
	<ul style="list-style-type: none"> <li>Continuous Improvement</li> </ul>	Monitoring of grant opportunities; expanded ADR and CASA; task force development			
<b><u>Stanislaus</u></b>	<ul style="list-style-type: none"> <li>Language Access in all areas</li> </ul>	Language Line – bi-lingual staff-additional interpreters	Courthouse & community locations		CRLA Disability Resources (DRAIL) Stanislaus BHC Modesto Bee Dept. of Education Curbside News United Way Kinship Center Children’s Coordinating Council DV Coordinating Council
	<ul style="list-style-type: none"> <li>Getting the Word Out</li> </ul>	Legal Hotline; signage; brochures; outreach to schools, migrant education, head start, other community locations; service provider network, centralized resource and referral; touch screen computers w/ telephone help at the courthouse, Law Library, Community Service Agency			
	<ul style="list-style-type: none"> <li>Collaborations</li> </ul>	Resource Fairs; Senior Information Days; STOAAC monthly meetings; meetings; in-service trainings; customer surveys; mentor & support groups; multi-cultural committee			Law Library; other libraries; DCSS; victim-witness; all other collaborations
	<ul style="list-style-type: none"> <li>Internet Connections</li> </ul>	Standardized platform uniform reporting system countywide; accessibility & simplicity of information; instruction & education; public & private access; FAQs on website; user-friendly process & language			Same as above
	<ul style="list-style-type: none"> <li>Getting Legal Representation</li> </ul>	Legal information at high school level; collaboration with non-profits for education; leadership training for community leaders			Existing collaborations

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	<ul style="list-style-type: none"> <li>Increasing Understanding of the Courts and Service Providers</li> </ul>	More free legal advice & information via SHC; information materials at clerks counters; conflict mgmt/resolution training available to all agencies; court directory of all services; website expansion			Add: VAWA Immigrant Refugee Program; Catholic Charities; Lions, Rotary, community cultural centers
<u>Sutter</u>	<ul style="list-style-type: none"> <li>Establish 3-year pilot SHC</li> </ul>	Written materials in English and Spanish; research Sikh and Hmong interpreters	Books & pamphlets Workshops – subject matter like the Family Law Facilitator/Family Law Information Center; Videotape presentations	Courthouse or nearby – share space with the Family Law Facilitator Attorney, 2 clerical support; volunteer attorneys (1 bilingual staff)	Local Bar Assn
	<ul style="list-style-type: none"> <li>Charge people earning over \$20K per year a fee – sliding scale up to \$25/hr</li> </ul>				

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Tulare</u></b>	<ul style="list-style-type: none"> <li>Purchase of Computer Equipment</li> </ul>	4 computers/printers	Central & outlying courts	Family Law Facilitators	CRLA Small Claims Advisor\Law Library DV advocates College of Sequoias Paralegal program Tulare Office of Education C-SET job training
	<ul style="list-style-type: none"> <li>Purchase external CD-ROMs for computers in Family Law Facilitator's Office</li> </ul>				
	<ul style="list-style-type: none"> <li>Develop general courthouse brochure</li> </ul>				
<b><u>Tuolumne</u></b>	<ul style="list-style-type: none"> <li>Coordinating Resources</li> </ul>	Resource directory Training for other agencies Expand Family Law Facilitator Videos Workshops Written materials		Family Law Facilitator	Local Bar CPS Non-Profits Libraries DCSS Law Schools
	<ul style="list-style-type: none"> <li>Legal Advice</li> </ul>	Legal aid to referrals from participating agencies	Courthouse	Contract Attorney	
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	Donated computers, printers, software video equipment, enhance website; online assistance			
	<ul style="list-style-type: none"> <li>Public Education</li> </ul>	Workshops, videos clinics (eve/wkds)		Law student interns	

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<b><u>Ventura</u></b>	<ul style="list-style-type: none"> <li>• Improve staffing &amp; staff education</li> <li>• Public education &amp; outreach</li> <li>• Technology</li> <li>• SRL helpful policies &amp; procedures</li> <li>• Language access</li> <li>• Community collaborations</li> </ul>	Expand current programs: Self-Help & Family Law Facilitators	Courthouse Community – Mobile Van	Attorneys Court clerks	Churches Schools Libraries Non-profits Health care Colleges
<b><u>Yolo</u></b>	<ul style="list-style-type: none"> <li>• Public Access Desk</li> </ul>	PAD: forms, instructions, nolo books, translations, computers, forms software	Main Courthouse		Law Schools
	<ul style="list-style-type: none"> <li>• Expand Family Law Facilitator</li> </ul>	Fulltime Position	2 courthouses		
	<ul style="list-style-type: none"> <li>• Monthly Clinic Program</li> </ul>	Instruction on how to file matters in court To be videotape and available at PAD	8/yr – outlying areas		
	<ul style="list-style-type: none"> <li>• Traveling Court</li> </ul>	Traffic, small claims – hearings			Community Orgs.
	<ul style="list-style-type: none"> <li>• Mandatory Small Claims Mediation</li> </ul>	Mediation program			Local Bar
	<ul style="list-style-type: none"> <li>• Public Information</li> </ul>	Information – 3 languages Website/brochures Public media			Newspapers, Cable TV; Community Orgs.

## RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
<u>Yuba</u>	<ul style="list-style-type: none"> <li>Increasing Community Resources</li> </ul>	Create handouts of local resources; create library of local resources	Courthouse & courthouse annex		
	<ul style="list-style-type: none"> <li>Improve Legal Information Assistance</li> </ul>	Create information assistance; create family law brochure; create brochures for child support and domestic violence			
	<ul style="list-style-type: none"> <li>Funding</li> </ul>	Apply for grants			
	<ul style="list-style-type: none"> <li>Operations</li> </ul>	Extend FCS days	Courthouse		
	<ul style="list-style-type: none"> <li>Technology</li> </ul>	SHC computers available	Courthouse		
	<ul style="list-style-type: none"> <li>Public Education</li> </ul>	Handouts re: educational resources	Courthouse & Law Library		

## **APPENDIX 4**

### **LEVEL OF LEGAL ASSISTANCE**

